

COUNTY OF MILWAUKEE**INTER-OFFICE COMMUNICATION**

DATE: November 20, 2013

TO: Supervisor Michael Mayo, Sr., Chairman
Transportation, Public Works & Transit Committee

FROM: Brian Dranzik, Director, Department of Transportation

SUBJECT: Public Hearing on Milwaukee County's Section 85.21 Grant Application

OPENING STATEMENT BY THE CHAIRMAN

The Committee on Transportation, Public Works & Transit will now conduct a public hearing on the subject of Milwaukee County's application for a state grant in the amount of \$2,041,419 under Section 85.21 of the Wisconsin Statutes – the Specialized Transportation Assistance Program for Counties. The grant is proposed to be used during 2014 to support Transit Plus and one transportation program for the elderly offered through the Department on Aging.

Persons wishing to speak today on this particular subject should secure a witness identification slip to give to the clerk. Please limit your comments to the two projects proposed in the grant application.

COUNTY OF MILWAUKEE

INTER-OFFICE COMMUNICATION

DATE: November 20, 2013

TO: Supervisor Michael Mayo, Sr., Chairman
Transportation, Public Works & Transit Committee

FROM: Brian Dranzik, Director, Department of Transportation

SUBJECT: Milwaukee County's Section 85.21 Grant Application
Informational Report

BACKGROUND

State financial aid is available to counties through the 2014 Specialized Transportation Assistance Program for Counties, as authorized by Section 85.21, Wisconsin Statutes. This aid is allocated according to each county's share of the state's elderly and disabled population.

A county may use its allocated aid in a variety of ways. It may directly provide specialized transportation service; it may purchase service from, or assist, any other public or private organization that supplies such service; or it may directly subsidize elderly or disabled persons for their use of existing services such as taxis. Both equipment acquisitions and operating expenses are eligible, as are the related expenses of coordination, technical studies and in-service training.

In order to receive its allocation, a county must provide a 20 percent cash match, conduct a public hearing and submit an application. The due date for the 2014 application is December 31, 2013.

Milwaukee County is scheduled to receive \$2,041,419 in 2014, to be allocated to Transit Plus (\$1,428,993) and the Department on Aging (\$612,426).

Report Prepared by: James Martin, Director of Operations

Approved by:

Brian Dranzik, Director
Department of Transportation

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NOTICE OF PUBLIC HEARING

On an application for a grant under the Specialized Transportation Assistance Program for Counties - Section 85.21, Wisconsin Statutes.

Notice is hereby given that the Committee on Transportation, Public Works and Transit of the Milwaukee County Board of Supervisors will hold a public hearing on Wednesday, December 4, 2013, at 9:00 A.M. in Room 201-B, Milwaukee County Courthouse, 901 North Ninth Street, Milwaukee, WI.

Milwaukee County intends to apply for a grant for calendar year 2014 requesting \$2,041,419 under Section 85.21 of the Wisconsin Statutes. Milwaukee County will provide matching funds of at least 20 percent of the state grant.

It is proposed to use the total funds available to partially support Transit Plus - Milwaukee County Paratransit Services, which will subsidize the transportation of persons who meet the eligibility requirements prescribed in the Americans with Disabilities Act of 1990 and a specialized elderly transportation program offered through the Department on Aging. At the hearing, there will be an opportunity for all persons or agencies interested in the grant application for these projects to submit written or oral comments and recommendations.

A draft copy of the grant application is available for public inspection in the Milwaukee County Department of Transportation, Milwaukee County-City Campus, 2711 West Wells Street, Suite 300.

**COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION**

DATE: November 13, 2013

TO: Michael Mayo, Sr., Chairperson
Transportation, Public Works & Transit Committee

FROM: Brian Dranzik, Director, Department of Transportation

SUBJECT: Driver Safety Shields Update

POLICY

This report is for informational purposes only.

BACKGROUND

In the 2012 Adopted Budget, it was established that all new bus purchase specifications shall include driver safety shields to address driver safety concerns. MCTS convened an Operator Safety Shield Committee made up of MCTS staff and Local 998 representatives. This committee collaborated on a shield design deemed acceptable for the new bus purchases. Fifty-five buses purchased in 2013 arrived pre-equipped with the driver safety shields approved by the committee and are in service today. Buses arriving in 2014 will also have operator safety shields pre-installed.

In the 2013 Adopted Budget, an amendment was approved to fund the retrofitting of 326 MCTS buses with driver safety shields (Project WT071). The shield costs were estimated at \$2,285 each, including installation, for a total expenditure of \$745,000. It was subsequently decided that installation would be done in-house.

During the first quarter of 2013, MCTS proceeded with a two-step sealed bid for the acquisition of driver safety shields. In a two-step sealed bid process, the first step involves a review of the bidders' technical qualifications and approach. The second step involves a review of the pricing. A bidder may submit price only if they pass Step 1. The intent to award is issued to the bidder with the lowest price.

In Spring, a MCTS selection committee reviewed the prospective bidders' written designs and technical approach. All four plans presented were deemed acceptable and the bidders subsequently installed their prototypes onto MCTS buses for further evaluation. It was then determined by an evaluation committee that only one of the prototypes was deemed acceptable. MCTS proceeded with Step 2 with this bidder and an intent to award was made. A protest was filed by another bidder and was determined to have merit. The intent to award was rescinded, effectively re-opening Step 1.

In September, all bidders were offered the opportunity to resubmit and install a second prototype. After this review, the evaluation committee determined that two bidders presented acceptable designs. An intent to award was issued to the bidder with the lower price. This second intent to award also resulted in a protest. That protest was denied and an appeal was subsequently filed.

MCTS Appeals Committee conducted an appeal hearing on November 1st. On November 12th, the Appeals Committee issued a decision to deny this protest. Subsequently, MCTS has moved forward with a purchase order. It is expected that the in-house installation of safety shields will begin in early 2014.

RECOMMENDATION

This report is for information purposes only.

Prepared by: Mike Giugno, Managing Director, MCTS

Approved by:

Brian Dranzik
Director, Department of Transportation

cc: Chris Abele, Milwaukee County Executive
Marina Dimitrijevic, Chairwoman, County Board of Supervisors
Kelly Bablitch, Chief of Staff, County Board of Supervisors
Amber Moreen, Chief of Staff, Milwaukee County Executive Chris Abele
John Zapfel, Deputy Chief of Staff, Milwaukee County Executive Chris Abele
Don Tyler, Director, Department of Administrative Services
Josh Fudge, Fiscal and Budget Administrator, Department of Administrative Services
Anthony Geiger, Fiscal and Budget Analyst, Department of Administrative Services

**COUNTY OF MILWAUKEE
INTER-OFFICE COMMUNICATION**

DATE: November 18, 2013

TO: Marina Dimitrijevic, Chairwoman, Milwaukee County Board of Supervisors

FROM: Gordie Bennett, Sustainability Director, DAS-Facilities Management

SUBJECT: **Wisconsin State Energy Office Grant - Planning and Implementing Clean Energy Investments in Wisconsin Communities**

Policy

The Sustainability Director is requesting authorization to apply for and accept a Wisconsin State Energy Office Planning and Implementing Clean Energy Investments in Wisconsin Communities grant for fiscal year 2014.

Background

In November 2013, the Wisconsin State Energy Office (SEO) issued a Request for Proposals (RFP) with \$100,000 in grant funding for planning and implementing clean energy investments in Wisconsin communities. The grants are open to local governments who seek help with increasing the use of 'clean energy' in their operations. Clean energy can be defined as energy saved or created from wind, biomass, biogas, hydroelectric, energy efficient products, solar electric and solar thermal (i.e., hot water). Using clean energy can reduce energy use and costs, support Wisconsin's energy resources, and divert waste from the landfill, protecting our natural resources.

The SEO will award grants in the amount of \$5,000 to \$20,000 for up to 10 clean energy projects. Awards will be for a period of six months, and awarded projects must be completed by June 30, 2014. Although there are no cost-sharing requirements under the grant program, SEO favors applicants that contribute to the total project costs using their own funds. For this reason, the Sustainability Director would list in-kind staff time and supplies as the cost share in Milwaukee County's clean energy grant application.

Recommendation

It is recommended that the Sustainability Director be authorized to apply for and accept a Wisconsin State Energy Office Planning and Implementing Clean Energy Investments in Wisconsin Communities grant for fiscal year 2014.

Prepared by: Gordie Bennett, Sustainability Director

Approved by: 
Julie Esch, Director of Operations, DAS

cc: Michael Mayo, Sr., Chair, TPW Cmte
Gerry Broderick, Chair, Parks, Energy & Environment Cmte
Chris Abele, County Executive
Amber Moreen, Chief of Staff, County Executive
Kelly Bablitch, Chief of Staff, County Board of Supervisors
John Zapfel, Deputy Chief of Staff, County Executive
Don Tyler, Director, Department of Administrative Services

1 From the Sustainability Director requesting authority to requesting authorization
2 to apply for and accept a Wisconsin State Energy Office Planning and
3 Implementing Clean Energy Investments in Wisconsin Communities grant for
4 fiscal year 2014, by recommending adoption of the following:
5
6

7 **A RESOLUTION**
8

9 WHEREAS, in November 2013, the Wisconsin State Energy Office (SEO)
10 issued a Request for Proposals (RFP) with \$100,000 in grant funding for
11 planning and implementing clean energy investments in Wisconsin communities;
12 and
13

14 WHEREAS, clean energy can be defined as energy saved or created from
15 wind, biomass, biogas, hydroelectric, energy efficient products, solar electric and
16 solar thermal (i.e., hot water); and
17

18 WHEREAS, using clean energy can reduce energy use and costs, support
19 Wisconsin's energy resources, and divert waste from the landfill, protecting our
20 natural resources; and
21

22 WHEREAS, Milwaukee County's 2007 Green Print resolution requires
23 Department heads to seek grants that focus on energy efficiency and renewable
24 energy; and
25

26 WHEREAS, match funding would be provided only through in-kind staff
27 time and supplies; and
28

29 WHEREAS, the funded project would not have long-term maintenance
30 obligations; now therefore
31

32 BE IT RESOLVED, that the County Board of Supervisors does hereby
33 authorize the Sustainability Director to apply for and accept a Wisconsin State
34 Energy Office Planning and Implementing Clean Energy Investments in
35 Wisconsin Communities grant for fiscal year 2014.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 11/18/13

Original Fiscal Note ☒

Substitute Fiscal Note ☐

SUBJECT: Wisconsin State Energy Office Grant - Planning and Implementing Clean Energy Investments in Wisconsin Communities

FISCAL EFFECT:

- ☒ No Direct County Fiscal Impact
- ☒ Existing Staff Time Required
- ☐ Increase Operating Expenditures
(If checked, check one of two boxes below)
- ☐ Absorbed Within Agency's Budget
- ☐ Not Absorbed Within Agency's Budget
- ☐ Decrease Operating Expenditures
- ☐ Increase Operating Revenues
- ☐ Decrease Operating Revenues
- ☐ Increase Capital Expenditures
- ☐ Decrease Capital Expenditures
- ☐ Increase Capital Revenues
- ☐ Decrease Capital Revenues
- ☐ Use of contingent funds

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	NA	NA
	Revenue	NA	NA
	Net Cost	0	0
Capital Improvement Budget	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

- A. The Sustainability Director is requesting authorization to apply for and accept a Wisconsin State Energy Office Planning and Implementing Clean Energy Investments in Wisconsin Communities grant for fiscal year 2014.
- B. No net increase or decrease in the annual budget. Milwaukee County staff currently devote time to this issue. Time spent on administering the grant would be absorbed in the existing budget.
- C. This is a one-time application for fiscal year 2014. Match funding would be provided only through in-kind staff time and supplies.
- D. None

Department/Prepared By Gordie Bennett, Sustainability Director, DAS-Facilities Management

Approved by:


Julie Esch, Director of Operations, DAS

Did DAS-Fiscal Staff Review?

☐ Yes

☒ No

Reviewed With:

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

**COUNTY OF MILWAUKEE
INTER-OFFICE COMMUNICATION**

DATE: November 13, 2013

TO: Marina Dimitrijevic, Chairwoman, Milwaukee County Board of Supervisors

FROM: Gordie Bennett, Sustainability Director, DAS-Facilities Management

SUBJECT: **Guidelines for Electrical Appliances and Equipment (INFORMATIONAL)**

Background

The Office of Sustainability is working with the County Executive, Facilities Management, Risk Management, Human Resources, IMSD, and other County organizations to develop guidelines for the safe and efficient use of electrical appliances and equipment in Milwaukee County facilities. The guidelines, to be published in 2014, will specify how, when, and where common workplace electrical appliances and equipment – refrigerators, water coolers, coffee makers, printers, copiers, power strips, etc. – may be used in Milwaukee County facilities. In addition, the guidelines will identify electrical appliances and equipment that either present electrical shock and/or fire hazards, or consume excessive amounts of energy and consequently will not be permitted for use in County facilities.

Compliance with the electrical appliances and equipment guidelines will be the responsibility of all Milwaukee County employees and tenants. Supervisors/managers and departmental facilities coordinators will be charged with enforcing the guidelines, as well as serving as the first point of contact for any exemption requests filed by County employees and tenants. Exemption requests will be granted only under extenuating circumstances when necessary to accommodate medical conditions, disabilities, or other special needs. Final review of exemption requests will be the responsibility of Risk Management (for requests related to medical conditions, disabilities, or other special needs) or the appropriate department's facilities coordinator (all other requests).

The team developing the electrical appliances and equipment guidelines recognizes that the guidelines may present challenges for County employees and tenants. Once the guidelines are finalized and approved, the team will make every effort to clearly communicate the implications of the guidelines for employees and tenants. In addition, feedback received from employees and tenants will be compiled and considered for future revisions to the guidelines.

Recommendation

No action requested. Informational only unless otherwise directed.

Prepared by: Gordie Bennett, Sustainability Director

Approved by:



Julie Esch, Director of Operations, DAS

Cc: Michael Mayo, Sr., Chair, Transportation, Public Works & Transit Committee
Gerry Broderick, Chair, Parks, Energy & Environment Committee
Chris Abele, County Executive
Amber Moreen, Chief of Staff, County Executive
Kelly Bablitch, Chief of Staff, County Board of Supervisors
John Zapfel, Deputy Chief of Staff, County Executive
Don Tyler, Director, DAS
Josh Fudge, Fiscal and Budget Administrator, DAS

COUNTY OF MILWAUKEE
INTER-OFFICE COMMUNICATION

Date: November 5, 2013

To: Marina Dimitrijevic, Chairwoman, Milwaukee County Board of Supervisors

From: Gary Waszak, Facilities Management Division, Department of Administrative Services

Subject: WE Energies Request for a Gas Main Easement at the County Grounds – Action Item

ISSUE

The Department of Administrative Services, Facilities Management Division (DAS-FM) respectfully requests authorization to grant WE Energies a permanent easement to allow for the construction, operation and maintenance of gas service in and across the County Grounds to the Blood Center and Medical College.

BACKGROUND

The Wisconsin Department of Transportation (WisDOT) has been legislatively authorized to reconstruct the Zoo Interchange by the State of Wisconsin and by the Federal Highway Administration (FHWA) under various state and federal statutes and codes. Various utilities on the County Grounds will be impacted by the proposed interchange improvements, including WE Energies gas distribution system that services County buildings and lessee buildings.

WE Energies has requested a permanent easement to install a new gas service to the Blood Center and Medical College. The gas main in Watertown Plank Road is being relocated/replaced due to the widening of Watertown Plank Road as part of the Zoo Interchange improvements. The new gas service to the Blood Center and Medical College will be serviced off the new main in Watertown Plank Road. Replacement of the gas service to the Blood Center and Medical College is necessary to upgrade to current industry standard materials and for a proper connection to the new gas main in Watertown Plank Road. See Attachment A for the gas service/easement location.

The gas service alignment has been set in conjunction with proposed Zoo Interchange improvements, and to minimize impacts to County and lessee property. The proposed easement will provide the land rights to install, operate and maintain the gas service at no cost to the County. All areas disturbed by the construction, operation or maintenance of the subject gas service will be restored to DAS-FM specifications at no cost to the County. Appropriate County staff will review and approve all documents as required prior to execution.

RECOMMENDATION

The Director of DAS-FM respectfully recommends that DAS-FM, Corporation Counsel and Risk Management staff be authorized to negotiate, prepare, review, approve, execute and record all documents and perform all actions required to grant a permanent easement to WE Energies for the construction, operation and maintenance of gas service to the Blood Center and Medical College as a part of their natural gas distribution system. It is further recommended that the County Executive and County Clerk be authorized to execute the easements and required documents.

WE Energies Request for a Gas Main Easement
November 5, 2013
Page 2

Prepared by: Karl Stave, Civil & Site Development Engineer

Recommended by:

Greg High, Director
Architecture, Engineering &
Environmental Services Section

Approved by:

Gary Waszak
Facilities Management Division
Dept. of Administrative Services

Attachment A: Proposed gas service/easement location

cc: Chris Abele, County Executive
Marina Dimitrijevic, County Board Chairwoman
Supervisor Jim "Luigi" Schmitt, District 6
Paul Bargren, Corporation Counsel
Don Tyler, Director, Department of Administrative Services (DAS)
Greg High, Director, AE&ES (DAS-FM)
Gary Waszak, DAS-FM

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(ITEM NO.) The Department of Administrative Services, Facilities Management Division (DAS-FM) respectfully requests authorization to grant WE Energies a permanent easement to allow for the construction, operation and maintenance of gas service in and across the County Grounds to the Blood Center and Medical College by recommending adoption of the following:

A RESOLUTION

WHEREAS, the Wisconsin Department of Transportation (WisDOT) has been legislatively authorized to reconstruct the Zoo Interchange by the State of Wisconsin and by the Federal Highway Administration (FHWA) under various state and federal statutes and codes; and

WHEREAS, various utilities at the County Grounds will be impacted by the proposed interchange improvements, including WE Energies gas distribution system that services County buildings and lessee buildings; and

WHEREAS, WE Energies has requested a permanent easement to install a new gas service to the Blood Center and Medical College; and

WHEREAS, the gas main in Watertown Plank Road is being relocated/replaced due to the widening of Watertown Plank Road as part of the Zoo Interchange improvements; and

WHEREAS, the new gas service to the Blood Center and Medical College will be serviced off the new main in Watertown Plank Road; and

WHEREAS, replacement of the gas service to the Blood Center and Medical College is necessary to upgrade to current industry standard materials and for a proper connection to the new gas main in Watertown Plank Road; and

WHEREAS, the final gas service alignment has been set in conjunction with proposed Zoo Interchange improvements, and to minimize the impact to County and lessee property; and

WHEREAS, all areas disturbed by the construction, operation or maintenance of the subject gas service will be restored to DAS-Facilities Management specifications at no cost to the County; and

WHEREAS, appropriate County staff will review and approve all documents as required prior to execution; and

WHEREAS, the Director of DAS-FM has recommended that the authority to prepare, review, approve, execute and record all documents as required to execute the requested easement be granted to DAS-FM, Corporation Counsel, Risk Management, County Clerk, Register of

47 Deeds, and the County Executive; now, therefore,

48

49 BE IT RESOLVED, that the Milwaukee County Board of Supervisors does hereby
50 authorize DAS-FM, Risk Management, Corporation Counsel and Register of Deeds to negotiate,
51 prepare, review, approve, execute and record all documents, and perform all actions as required
52 to grant, execute and implement the easement to WE Energies for the construction, operation and
53 maintenance of a gas service in and across the County Grounds at the Blood Center and Medical
54 College; and

55

56 BE IT FURTHER RESOLVED that the County Executive and County Clerk are
57 authorized to execute the easement and required documents.

58

59

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: November 5, 2013

Original Fiscal Note ☒

Substitute Fiscal Note ☐

SUBJECT: Authorization to perform all actions as required to grant, execute and implement a gas easement for WE Energies for the construction, operation and maintenance of a gas service in and across the County Grounds at the Blood Center and Medical College.

FISCAL EFFECT:

- | | |
|--|--|
| <input type="checkbox"/> No Direct County Fiscal Impact | <input type="checkbox"/> Increase Capital Expenditures |
| <input checked="" type="checkbox"/> Existing Staff Time Required | <input type="checkbox"/> Decrease Capital Expenditures |
| <input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues |
| <input type="checkbox"/> Absorbed Within Agency's Budget | <input type="checkbox"/> Decrease Capital Revenues |
| <input type="checkbox"/> Not Absorbed Within Agency's Budget | |
| <input type="checkbox"/> Decrease Operating Expenditures | <input type="checkbox"/> Use of contingent funds |
| <input type="checkbox"/> Increase Operating Revenues | |
| <input type="checkbox"/> Decrease Operating Revenues | |

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	0
	Revenue	\$0	0
	Net Cost	0	0
Capital Improvement Budget	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

A. WE Energies has requested permanent easements to relocate their existing gas service to address the conflicts with the proposed Zoo Interchange Improvements along Watertown Plank Road and upgrade to current industry standard materials for a gas service to the Blood Center and Medical College.

B. None.

C. Minimal staff costs for review and execution of easement.

D. None.

Department/Prepared By Karl Stave/DAS-FM Division

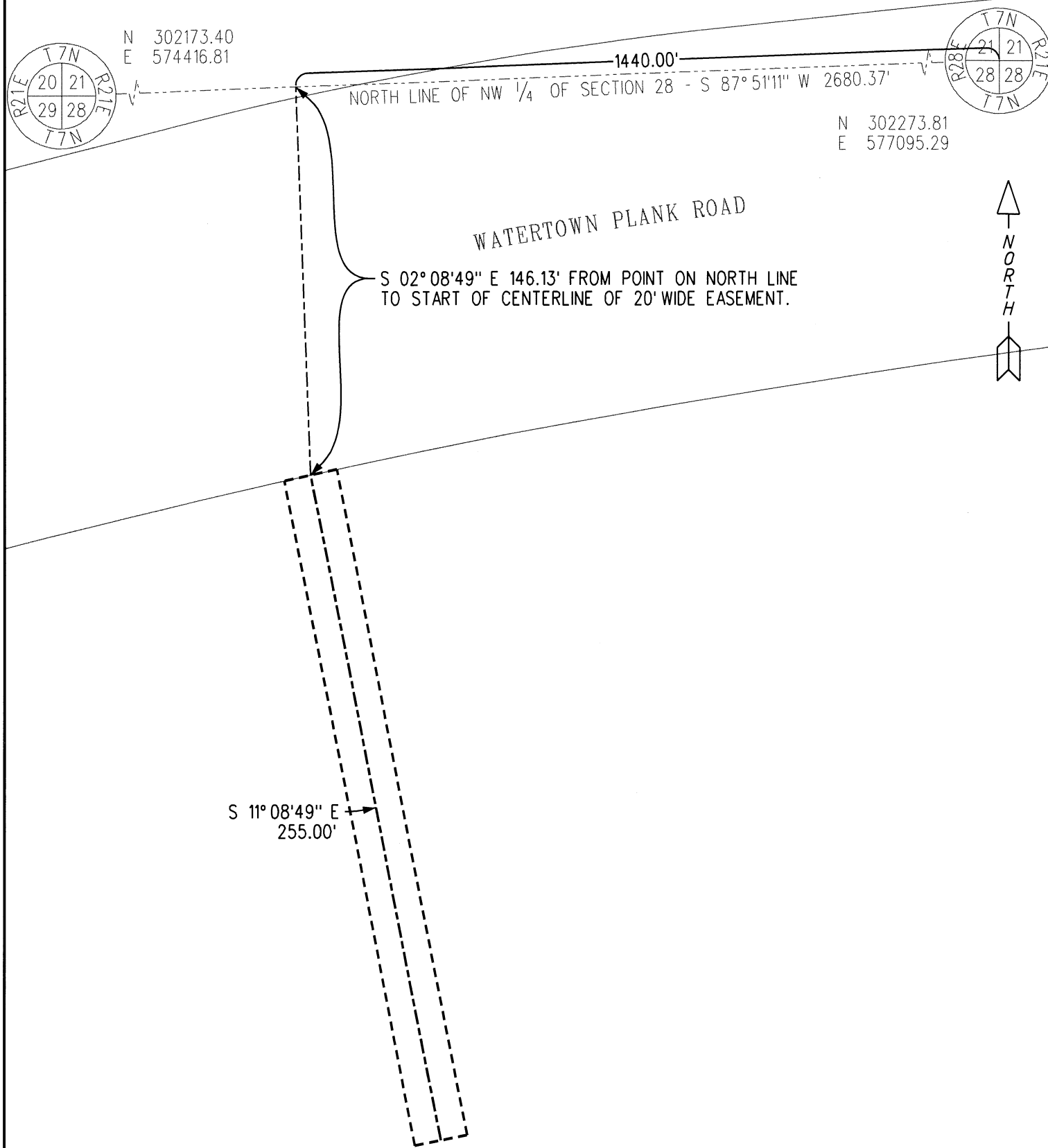
Authorized Signature _____

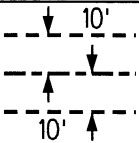
Did DAS-Fiscal Staff Review? ☐ Yes ☒ No

Did CBDP Review? ☐ Yes ☐ No ☒ Not Required

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, MILWAUKEE COUNTY ZONE.



KEY	WE ENERGIES - EXHIBIT "A"	DRAWN BY: JIM CLARKE
 <p>CENTERLINE 20' WIDE EASEMENT</p>	<p>20' WIDE EASEMENT IN PART OF THE NW 1/4 OF SECTION 28, T7N R21E CITY OF WAUWATOSA, MILWAUKEE COUNTY, WISCONSIN</p>	SCALE: 1" = 50'
		DATE: 10-19-2013
		ORDER #: 3398722

-COUNTY OF MILWAUKEE-
INTEROFFICE COMMUNICATION

DATE: November 18, 2013

TO: Supervisor Michael Mayo, Chairman
Transportation, Public Works and Transit Committee

FROM: Don Tyler, Director, Department of Administrative Services

SUBJECT: Courthouse Electrical Fire Recovery Update

REQUEST

At its October 23, 2013 meeting, the Committee on Transportation, Public Works and Transit requested that the Department of Administrative Services prepare and submit a written report that includes more information on Business Continuity, Restoration, Insurance Coverage, Cause and Origin, timeline for full power restoration and steps to accommodate employees working late and on the weekends.

UPDATE

Business Continuity

The Department of Administrative Services is working with the Emergency Management Bureau to assist County departments in developing Continuity of Operations Plans/Continuity of Government Plans. These will be action plans that can be implemented during emergencies and will ensure that essential government operations can be sustained for a predetermined amount of time and from a different location if necessary.

Restoration

Courthouse restoration has been completed with the exception of permanent power. A group of County staff and consultants are planning for the delivery, installation and engineering of the new power switchgear and electrical housing units.

Insurance Coverage

The Local Government Property Insurance Fund has covered every loss claim that we are aware of, to date. Costs covered include new ceiling tiles, carpeting replacement, painting and the planning and design of the new electrical substation.

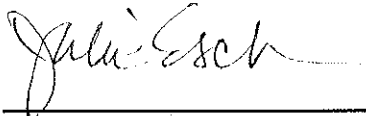
Cause and Origin

The State of Wisconsin's Office of the Insurance Commissioner has begun its Cause and Origin investigation. Milwaukee County staff provides building access and security protocol and oversight. The County has hired a fire investigator to observe the Cause and Origin process and provide expert representation on behalf of the county.

Timeline for Power Restoration

Power restoration is estimated to occur sometime in the first quarter of 2014. There are many variables involved in power restoration making it difficult to pinpoint a specific date for full restoration.

Prepared by:

A handwritten signature in cursive script, appearing to read "Julie Esch", written in black ink.

Julie Esch
DAS – Director of Operations



Community Business Development Partners

MILWAUKEE COUNTY

RUBEN L ANTHONY, Jr, PhD • Interim Director, DBE Liaison Officer, ACDBE Liaison Officer

INTER-OFFICE COMMUNICATION

DATE: November 11, 2013

TO: Supervisor Marina Dimitrijevic, Chair, County Board of Supervisors
Supervisor Patricia Jursik, Chair, Economic & Community Development Committee
Supervisor Michael Mayo, Sr., Chair, Transportation, Public Works & Transit Committee

FROM: Ruben L. Anthony Jr. Ph.D., Interim Director, Community Business Development Partners

SUBJECT: **DBE WAIVER REPORT FOR SEPTEMBER & OCTOBER OF 2013**

DIRECTIVE

At the request of the Committee on Economic and Community Development, the Community Business Development Partners Department (CBDP) provides a monthly update on the Disadvantaged Business Enterprise (DBE) utilization waivers requested by, and granted to, Milwaukee County departments/divisions.

BACKGROUND

CBDP is responsible for designing, implementing, monitoring and enforcing Milwaukee County's DBE Program in order to maintain compliance with Federal Regulations and Milwaukee County Ordinances. Implementation of the Program includes assignment of participation goals on, both, Federal and County funded contracts, as well as monitoring and enforcing compliance of these contracts. Participation goals may only be established on contracts where opportunities exist for ready, willing and able certified firms to perform commercially useful functions related to the satisfaction of those contracts.

In 1999, the United States Department of Transportation (USDOT) implemented DBE Program rules with seven (7) key objectives directed at creating a level playing field on which certified firms could compete fairly for USDOT-assisted contracts. This legislation, 49 CFR Parts 23 and 26, requires all recipients of USDOT funds to establish and maintain a DBE program that, not only, complies with the intent and language of the legislation, but that has also been reviewed and approved by USDOT. As a result of public and private stakeholder input, Milwaukee County determined and approved, by action of the County Executive and the full County Board, to establish and maintain a program based upon the Federal DBE Program rules and standards for all of its contracts. This action designed to ensure the same level of commitment and consistency in approach to the facilitation of small business involvement when and where appropriate has been enacted in Chapter 42 of the Milwaukee County Code of General Ordinances.

Milwaukee County is required to provide and establish contract opportunities for certified firms on its projects based upon the number of ready, willing and able firms certified to perform within the scope(s) of each of these projects. Only firms certified through Wisconsin's Unified Certification Program (UCP), a consortium of over 24 municipalities and agencies throughout the State, count as ready, willing and able firms for this purpose. Four of the UCP members serve as certifying partners for the consortium, Milwaukee County, WisDOT, Dane County, and the City of Madison. Milwaukee County has the responsibility of verifying and maintaining the certification status of 348 of the 825 currently certified firms throughout the State, while processing all new applications for DBE certification.

WAIVER REQUESTS

When CBDP receives a waiver request from a department/division, staff thoroughly reviews it and available supporting documentation before rendering a determination. The Interim Director may require staff to gather more comprehensive information or to provide more detailed clarification regarding any identified issues prior to issuing a determination.

WAIVER REPORT SUMMARY

The figures below include Professional & Management Service and Capital Improvement/Maintenance contracts awarded during September and October of 2013. This report does not include contracts awarded by the Procurement Division of the Department of Administrative Services processes under Chapter 32. Please see the attachment for waivers requested as broken out by owner department, contractor/consultant awarded, scope of services rendered, total contract amounts, and reason for approval.

Total Contracted Dollars for Period	\$ 59,292,968.74
Total Contracted Dollars w/o DBE Participation	\$ 13,344,278.24
Percentage of Contracts w/o DBE Participation	22.5%
Total Contracted Dollars w/ Waiver Approval	\$ 13,081,195.42
Percentage of Contracts w/ Waiver Approval	22.1%
Total Contracted Dollars w/o Waiver Approval	\$ 102,000.60
Percentage of Contracts w/o Waiver Approval	0.2%

It is also important to note that the Milwaukee County Code of General Ordinances exempts various contracts from DBE participation consideration review for services such as those used for the purpose of securing credit rating services related to debt issuance and administration. These exemptions appear as Chapter 56.30(2) (a), and 56.30(10) (a).

Total Contracted Dollars for Period	\$ 59,292,968.74
Total Exempted Contract Dollars	\$ 161,082.22
Percentage of Exempted Contracts for Period	0.3%

RECOMMENDATION

CBDP prepared this informational report, and recommends that it be received and filed, as such.

Approved by:



Ruben L. Anthony Jr., Ph.D.
Interim Director, CBDP

CC: Chris Abele, Milwaukee County Executive

Milwaukee County Community Business Development Partners Department (CBDP)

DBE Waiver Report September & October 2013

DEPARTMENT	CONSULTANT/CONTRACTOR	SCOPE OF SERVICES	CONTRACT AMOUNT	APPROVAL REASON
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Approved Waivers ¹

Human Resources	Ceridian Corporation	To provide automated benefit and payroll services for Milwaukee County Employees	12,709,444.18	HR & Payroll system maintenance
UW - Extension	University of Wisconsin Extension	Extension for provision of cooperative extension programs in Milwaukee County	157,614.00	Specialized Service
Child Support Enforcement	Center for Veterans Issues	Assist non-custodial parent to obtain employment	100,000.00	Specialized Service
Risk Management	Regnier Consulting Group	2012 unpaid liability analysis and 2014 cross charges	37,050.00	Specialized Service
Facilities Management	W.F. Baird & Associates, Ltd.	Bender park access jetty	15,000.00	Specialized Service
Family Care	Blumenfeld & Associates, LLC	Specialized training	14,000.00	Specialized Training
GMIA	Wolf Management Consultants, LL	Denison Organizational Culture Survey (DOCS)	11,500.00	Specialized Service
Aging	Sojourner Family Peace Center	To host a two-day conference/training on domestic violence for adults 60 and older	10,000.00	Specialized Service
GMIA	James G. Otto	Architectural Services	9,675.00	Annual Consultant Utilization
Milwaukee County Zoo	Edwards Wildman Palmer, LLP	Specialized legal services	5,000.00	Specialized Service
Fleet Maintenance	Jackson MacCudden	Fleet Maintenance 109th and Lapham - Asbestos Inspection	3,191.00	Annual Consultant Utilization
MCTS by DAS-FM	The Sigma Group	Replace HVAC System at KK Transit Operation Bldg - Asbestos Inspection	2,893.49	Annual Consultant Utilization
District Attorney	Behavioral Consultants	Dr. Deborah Collins of Behavioral Consultants, a forensic psychologist-John Spooner	2,600.00	Specialized Service
MCTS by DAS-FM	The Sigma Group	MCTS KK Building HVAC replacement Asbestos consultant	1,727.75	Annual Consultant Utilization
GMIA	Institute for Human Factors	To conduct a class on "Overcoming Your Fear of Flying"	1,500.00	Under \$2,000.00

Contracts Issued Without Review ²

DHHS-BHD	Gonzalez, Saggio & Harlan, LLP	To amend PRB outside council for BHD related matters	102,000.60	Contract amendment
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Exempted Contracts ³

MCSO	Whitcomb, Michael A.I., Law Office	Legal matters Sheriff David A. Clarke, Jr. v. Milwaukee County	49,999.99	Per Chapter 56.30(10)(a)
Comptroller	Fitch Ratings	Professional services associated with the 2013 CP bonds and the 2013B POB's	47,000.00	Per Chapter 56.30(2)(a)
Comptroller	Chapman & Cutler	Professional services related to issuance of 2013B Taxable General Obligation Pension Promissory Note Bonds	40,399.23	Per Chapter 56.30(2)(a)
County Board	Center for International Health	Sister Cities Program Development	15,000.00	Per Chapter 56.30(2)(a)
Comptroller	U.S Bank	US Bank administration fees for the airport revenue bonds 2003A, 2005A, 2006AB, 2008AB & 2009A	5,558.00	Per Chapter 56.30(2)(a)
Comptroller	U.S Bank	Administration fees for the 2013A and 2013B airport revenue bonds	2,125.00	Per Chapter 56.30(2)(a)
Comptroller	U.S Bank	US Bank administration fees for the 2010A and 2010B airport revenue bonds	1,000.00	Per Chapter 56.30(2)(a)

Total Contract \$ Amount for Period *	59,292,968.74
Total Contract \$ Amount w/o DBE Participation for Period	13,344,278.24
Percentage w/o DBE Participation	22.5%
Total Approved Waiver \$ Amount	13,081,195.42
Percentage Waived	22.1%
Total Unapproved Waiver \$ Amount	102,000.60
Percentage w/o Waiver Approval	0.2%
Total Exempted \$ Amount	161,082.22
Percentage Exempted	0.3%

¹ Waivers approved by CBDP; within guidelines of Code of General Ordinances

² Contracts issued by Departments in violation of the Code of General Ordinances; CBDP is made aware of these projects when Accounts Payable forwards new contract information

³ These contracts are exempted from Disadvantaged Business Enterprise participation review within the guidelines of Code of General Ordinance Chapter 56.30(2)(a) such as those used for the purpose of securing credit rating services related to debt issuance and administration, or 56.30(10)a enabling Corporation Counsel to enter into a professional services contract in which the interests of Milwaukee County require timely action and flexibility.

⁴ Total does not include Procurement Division Figures



OFFICE OF CORPORATION COUNSEL

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PAUL D. KUGLITSCH
Principal Assistant
Corporation Counsel

To: Honorable Supervisors of the
Committee on Transportation, Public Works and Transit and
Committee on Economic and Community Development

From: Paul Bargren
Paul D. Kuglitsch

Date: November 25, 2013

Re: Residency goals in public contracts

On October 29, 2013, members of the Committee on Transportation, Public Works and Transit referred several questions to this office regarding the residency goals in Milwaukee County public contracts and potential conflict with federal or state law. On November 7, 2013, the Committee on Economic and Community Development joined in the referral.

Based on the questions of the committee and resulting research, we are able to offer several additional thoughts on the topics raised.

Background information

In July 2013, the Audit Services Division provided its most recent evaluation of compliance by contractors in achieving percentage goals of gross payroll paid to Milwaukee County residents.

In its October 7, 2013, response to the audit report, the Architecture, Engineering & Environmental Services Section set out several steps taken to improve compliance but also noted information from this office that identified the potential statutory conflicts.

The residency goal is found in a May 31, 1995 resolution of the County Board stating that the Board

does hereby support a goal of achieving and maintaining 50% Milwaukee County residency on County public works construction projects whereby 50% of the salaries to be paid to workers on County construction projects go to Milwaukee County residents.

Annual reports by Audit and public works officials are required.

AE&ES establishes a residency goal for each project before the requests for bids are issued and, if the goal is less than 50%, documents the reasons why a goal of less than 50% was recommended. Contractors who bid must submit an affidavit acknowledging the residency goal provisions of the contract. Once the project is underway, each contractor invoice must include required residency forms or the invoice will not be processed. AE&ES is in the process of improving its methods for verifying payroll residency data.

AE&ES issues a warning letter to contractors who appear to be falling short of 50% on a given project. The letter requires the contractor to respond immediately with a strategy to improve performance before the project is complete.

A contractor who fails to achieve the project's residency goal is issued a letter warning that if the contractor fails to meet the residency goal on a future contract, the County will take one or more of the following actions:

- 1 – Withhold payment on the contract.
- 2 – Terminate or cancel the contract, in whole or in part.
- 3 – Consider possible debarment of the contractor from bidding for a period of up to two years.
- 4 – Any other remedy available to the County at law or in equity.

According to AE&ES, there have not been any instances in which there has been a second failure by a contractor to achieve a residency goal. AE&ES also points out there is a relatively small pool of contractors willing to bid on County projects and appears to believe there is some chance that no bids will be received on some projects if contractors view residency requirements as too harsh.

Notably, the US Department of Transportation prohibits use of “geographical preferences in the evaluation of bids or proposals” in projects using DOT funds. 49 CFR § 18.36(c)(2). Therefore, Milwaukee County does not use or enforce residency requirements in USDOT-funded projects. The federal prohibition on residency requirements applies to most or all public works contracts at General Mitchell International Airport, Congestion Mitigation and Air Quality Improvement (CMAQ) Program projects, and transit projects.

For illustration, the County awarded 44 contracts for a total of \$72.6 million in the first 10 months of 2013. That included \$47.7 million in 16 airport contracts and \$24.9 million in 28 non-airport contracts. Of the 44 contracts awarded, 26 included a 50% residency goal. Numbers appear to vary quite a bit from year to year, but these are representative.

Questions from supervisors

1. What, if any, are the effects of Wis. Stat. §§ 66.0901(1m)(a)2 and (1m)(b), including the requirement that a public contract be awarded to the “lowest responsible bidder”?
2. What steps are available to Milwaukee County, within the law, to force or persuade contractors to use County residents on County-funded work?
3. What enforcement mechanisms are available to the County where contractors do not meet the goal?

Each of these is addressed in turn.

1. What, if any, are the effects of Wis. Stat. §§ 66.0901(1m)?

To summarize, while § 66.0901(1m) speaks to the residency of the contractor on a public works project, it does not address the residency of the contractor's employees. Other provisions in the state statutes continue to authorize the County to impose employee residency goals or requirements on public works projects where not barred by federal restrictions.

Section 66.0901(1m) states:

(1m) METHOD OF BIDDING. (a) Except when necessary to secure federal aid, whenever a political subdivision lets a public contract by bidding, the political subdivision shall comply with all of the following:

1. The bidding shall be on the basis of sealed competitive bids.
2. The contract shall be awarded to the lowest responsible bidder.

(b) Except when necessary to secure federal aid, a political subdivision may not use a bidding method that gives preference based on the geographic location of the bidder or that uses criteria other than the lowest responsible bidder in awarding a contract.

In sub. (1m), “political subdivision” is a defined term that includes counties. *See* § 66.0901(1)(bm). “Public contract” is also a defined term and “means a contract for the construction, execution, repair, remodeling or improvement of a public work or building or for the furnishing of supplies or material of any kind, proposals for which are required to be advertised by law.” § 66.0901(1)(c). *See also* § 59.52(32), making county public works contracts greater than \$25,000 subject to § 66.0901.

The first relevant point is found in sub. (1m)(b), where the statute prohibits a bidding method that gives preference based on “the geographic location of the bidder.” We understand this provision was included to counter a City of Milwaukee requirement that had given preference to contractors located in the City. The requirement addresses only the *bidder's* residency, and not the residency of the bidder's *employees*. There are no reported court decisions construing this language, and it is not ambiguous. Therefore, it can be taken at face value, and it does not prohibit an employee-based provision like the County's.

Support for a residency goal or requirement is also found in § 59.01, the general grant of powers to counties, which includes the power “to make such contracts ... as are necessary and proper to the exercise of the powers and privileges granted” to the County. A residency goal or requirement can be viewed as a contract provision that is “necessary and proper” to advance County interests.¹ And even though counties are now specifically prohibited from imposing

¹ A counter argument could be made based on the sort of statutory construction approach some have used to interpret, for example, Act 14. The statutes originally specifically allowed counties and municipalities to issue RFPs including requirements for employee residence and “other such matters ... require[d] for the protection and welfare of the public.” *See, e.g.*, 70 Wis. Op. Atty. Gen. 64 (1981 WL 157229). However, Chapter 66 has been rewritten to limit such language only to municipalities, excluding counties. *See* § 66.0901(2), (6). One could argue this was a decision by the legislature to prevent counties from including residence or “other such matters” in bids. However, § 66.0901(1m) is more recent, addresses residency, and does so in Courthouse, Room 303 • 901 North 9th Street • Milwaukee, WI 53233 • Telephone: 414-278-4300 • FAX: 414-223-1283

residency provisions for their own employees, *see* § 66.0502 (effective July 2, 2013), the County’s ability to exercise “organizational or administrative” home rule powers, *see* § 59.03(1), still lends support for including residency provisions in public contracts.

The second relevant point in § 66.0901 is the requirement to award the bid to the “lowest responsible bidder.” However, this term refers to more than financial responsibility and can fairly be read to include factors such as employee residency that are not otherwise barred by statute. Wisconsin courts have ruled that governments letting bids have wide discretion in determining which bidders are “responsible.” *See Aqua-Tech., Inc. v. Como Lake Park & Rehabilitation Dist.*, 71 Wis.2d 541, 549 (1976); *Menzl v. City of Milwaukee*, 32 Wis.2d 266 (1966); *D.M.K., Inc., v. Town of Pittsfield*, 2006 WI App 40, ¶ 13, 290 Wis. 2d 474, 711 N.W.2d 672. Consistently, Milwaukee County Ordinance states:

The concept of lowest responsible bidder includes the definition of two (2) terms - responsible and responsive. The term "responsible" refers to the bidder's integrity and reliability. Bidders who have the structure and ability to perform as promised and to stand behind what they deliver to the county are responsible bidders. The term "responsive" refers to the bidder's ability to meet the contract requirements.

MCO 43.03(2). Criteria for determining the lowest responsible and responsive bidder include “[d]emonstrated ability to comply in situations where the award is contingent on special considerations subject to the nature of the contract,” such as residency goals. *See* MCO 43.03(3)(e).

Although there is no Wisconsin case on point, courts elsewhere have expressly found that evaluation of the lowest responsible bidder can take into account the bidder’s compliance with affirmative action hiring requirements that are made part of the project. *See Associated General Contractors of California, Inc., v. City and County of San Francisco*, 813 F.2d 922, 943 (9th Cir. 1987) (upholding local business preference in bidding). *See also Southwest Washington, Nat’l Electrical Contractor Ass’n v. Pierce County*, 100 Wash.2d 109, 115, 667 P.2d 1092, 1096 (1983) (“the word ‘responsible’ [includes] a legislative intent that ‘the social responsibility of the contractor should also be a concern’”), quoting *S.N. Nielsen Co. v. Public Bldg. Comm’n*, 410 N.E.2d 40 (Ill. 1980); *Appeal of Associated Sign & Post, Inc.*, 485 N.E.2d 917, 924 (Ind. Ct. App. 1985) (“examination of a bidder's affirmative action plans or proposals” is justified “when determining who is the lowest responsible bid”); *Wallace C. Drennan, Inc., v. Sewerage & Water Bd. of New Orleans*, 798 So. 2d 1167, 1174 (La. Ct. App 2001) (upholding a DBE goal as part of “responsible bidder” determination).

The final relevant point in sub. 1(m) is that it waives its own requirements as necessary for a political subdivision to obtain federal aid on a project. Therefore if (contrary to the DOT standards, for example) a contractor residency requirement is a condition of obtaining federal aid, the residency requirement can be imposed. We are not aware of any federal programs that impose a local contractor residency requirement.

such a way as not to limit the County’s ability to impose an employee residency condition in contracts.

2. What steps are available to Milwaukee County, within the law, to force or persuade contractors to use County residents on County-funded work?

Under the analysis of Wis. Stat. § 66.0901, above, Milwaukee County can continue to use the residency goals found in the May 31, 1995, Resolution to promote the use of county residents as contractor employees on county-funded public works projects. Modifying the resolution to impose this as a requirement rather than a goal would also be a possibility. In that case, in order to meet constitutional demands, significant data would need to be collected to create the required legal justification for the requirement, since it discriminates against out-of-county employees. The data would need to show that the requirement is properly tailored to address inequities. If the Board wishes to continue the residency goal or to create a residency requirement, we would recommend that it be adopted into ordinance rather than relying only on the 1995 resolution.

3. What enforcement mechanisms are available to the County where contractors do not meet the goal?

Because residency is a goal, not a requirement, some caution needs to be exercised in addressing it. The best approach is to consider past performance, because Wisconsin's Court of Appeals has found that concern about performance of past contracts is grounds for finding that a contractor is not a responsible bidder on a new contract. *D.M.K.*, 2006 WI App 40, ¶ 19 (upholding town's "ultimate finding that [contractor] was not a responsible bidder" based on "numerous legitimate concerns about [the contractor's] performance of prior contracts"). Therefore, a contractor who has failed to meet the residency goal on one or more past contracts could be excluded from future bidding.

More immediate remedies might be too drastic. For example, to break a contract in mid-job or to refuse to pay a contractor for work performed could lead to breach of contract claims against the county that could be difficult to defend, given that the 50% residency is a goal rather than a firm requirement. At a minimum, to be enforceable, specific progress requirements and specified penalties for failing to meet them would need to be incorporated into the contracts, rather than simply stating generally that payment might be withheld.

1 By Supervisors Krug and Diliberti

2 AN AMENDED RESOLUTION

3 WHEREAS, Milwaukee County annually awards millions of dollars in public works
4 contracts for construction and major maintenance projects which have been approved by
5 the County Board during the annual budget process; and

6 WHEREAS, firms which receive public works contracts from Milwaukee County
7 through a competitive bidding process or as a result of a Request for Proposal review
8 process employ hundreds of workers to complete the projects; and

9 WHEREAS, the impact of Milwaukee County public works contracts on the local
10 economy could produce a significant employment benefit to the area if a number of the
11 workers employed by firms doing projects for the County were Milwaukee County
12 residents; and

13 WHEREAS, it would be beneficial to strive to achieve a goal of 50% of County
14 construction work being done by workers who live in Milwaukee County; now, therefore

15 BE IT RESOLVED that the Milwaukee County Board of Supervisors does hereby
16 support a goal of achieving and maintaining 50% Milwaukee County residency on County
17 public works construction projects whereby 50% of the salaries to be paid to workers on
18 County construction projects go to Milwaukee County residents; and

19 BE IT FURTHER RESOLVED, that the Director of Public Works in cooperation with
20 the Department of Audit shall report annually in February to the Transportation and Public
21 Works Committee on the previous year's percentage of Milwaukee County residents
22 working on County construction projects.

23 **FISCAL NOTE:** Adoption of this resolution will not require an expenditure of funds but
24 an expenditure of staff time will be required to compile the annual
25 reporting information.

26 AM.RES
27 May 31, 1995

COUNTY OF MILWAUKEE
INTER-OFFICE COMMUNICATION

DATE: November 21, 2013

TO: Marina Dimitrijevic, Chairwoman County Board of Supervisors
Michael Mayo, Sr., Chairman, Transportation Public Works
& Transit Committee

FROM: Brian Dranzik, Director, Department of Transportation

SUBJECT: Acceptance and funding for a Freight Grant with the State of Wisconsin
Department of Transportation to resurface E. Layton Ave. from S. Howell
Ave. to S. Pennsylvania Ave.

POLICY

Chapter 56.06 of the Milwaukee County Administrative Code requires authorization from the County Board to accept state or federal discretionary grant awards.

BACKGROUND

The State of Wisconsin Department of Transportation has initiated a pilot Freight Grant under the Surface Transportation Program (STP). The conditions of the grant are to fund roadway improvements that help move freight.

The Milwaukee County Department of Transportation (MCDOT) – reviewed the terms of the grant conditions and determined project WH02016 E. Layton Ave. from S. Howell Ave. to S. Pennsylvania Ave. would be eligible under the Freight Grant program. In general, resurfacing this segment will help improve the road quality allowing for the more effective movement of freight from/to the Port, the Airport and the Interstate system.

The State of Wisconsin Department of Transportation has offered a State Municipal Agreement (SMA) to resurface the roadway under the grant program on an 80/20 split of funding basis up to a federal maximum limit of \$2,780,000 and a county match of \$745,000.

This project is in the Department's 5-year plan and was included in the 2014 CIC's capital budget request. It was not included in either the CIC recommended budget nor the capital budget. However, now that grant funding is available, the department requests approval.

In the process of closing out completed projects, the Department has identified funding sufficient to support the county's local share of design.

Project funding will be needed in future capital budgets (2015 budget) to support construction in order to complete work within the time frame of the grant.

The attached resolution requests authority to accept the grant through execution of the SMA and establishes funding for the initial design phase of this capital improvement project through an administrative appropriation transfer. The design phase has a federal share of \$300,000 and a county share of \$75,000. The county share would be provided from surplus existing budget authority from Project WH020052 Oklahoma Ave. from 108th to 76th.

Proceeding with the SMA commits the county to fund its portion of costs for right of way and construction phases of this capital improvement project in future budgets in a timely manner.

RECOMMENDATION

The Director of the Department of Transportation recommends acceptance of the STP Freight Grant from WisDOT for the resurfacing of E. Layton Ave. from S. Howell Ave to S. Pennsylvania Ave. by executing the SMA for this project. A fund transfer will be submitted to the Finance, Personnel and Audit Committee for approval in the December, 2013 cycle.

<i>Project Name</i>	<i>County</i>
WH020052 Oklahoma Ave. from 108 th to 76 th	\$75,000

Report Prepared by: Clark Wantoch, Director of Highway Operations

Approved by:

Brian Dranzik, Director of Transportation

Cc: Chris Abele, Milwaukee County Executive
Amber Moreen, Chief of Staff, Milwaukee County Executive
Chris Abele
Kelly Bablitch, Chief of Staff, County Board of Supervisors
Don Tyler, Director, Department of Administrative Services
Josh Fudge, Fiscal and Budget Administrator, DAS - Fiscal
Clark Wantoch, Director of Highway Operations, MCDOT
Pam Bryant, Capital Finance Manager, Office of the Comptroller
Justin Rodriguez, Budget and Management Coord, Office of the Comptroller
Vince Masterson, Fiscal and Strategic Asset Coord, DAS - Fiscal
James Martin, Director of Operations, MCDOT

1 (ITEM) From the Director of the Department of Transportation, requesting
2 authorization to enter into an Agreement with the State Department of
3 Transportation to accept a Freight Grant to resurface Project WH02016 E. Layton Ave.
4 from S. Howell Ave. to S. Pennsylvania Ave. and to provide funding for the initial design
5 phase of this capital improvement project by recommending adoption of the following
6 resolution:
7
8

9 **A RESOLUTION**

10
11
12 WHEREAS, Chapter 56.06 of the Milwaukee County Administrative Code
13 requires authorization from the County Board to accept state or federal discretionary
14 grant awards; and
15

16 WHEREAS, The State of Wisconsin Department of Transportation has initiated a
17 pilot Freight Grant under the Surface Transportation Program (STP) to fund roadway
18 improvements that help move freight; and
19

20 WHEREAS, The Milwaukee County Department of Transportation (MCDOT) –
21 reviewed the terms of the grant conditions and determined the resurfacing of E. Layton
22 Ave. from S. Howell Ave. to S. Pennsylvania Ave. would be eligible under the Freight
23 Grant program; and
24

25 WHEREAS, the WisDOT has offered a State Municipal Agreement (SMA) to
26 provide federal funding to resurface the roadway on an 80/20 split of funding up to a
27 federal maximum of \$2,780,000 and a county match of \$745,000; and
28

29 WHEREAS, the E. Layton Ave. project is in the Department's 5-year plan to
30 resurface the roadway along with improvements as necessary to the curb, sidewalk and
31 terrace areas to extend the useful life of the pavement by more than 25 years; and
32

33 WHEREAS, in the process of closing out completed projects, the Department has
34 identified funding sufficient to support the county's \$75,000 local share to match the
35 \$300,000 federal share for design; and
36

37 WHEREAS, project funding will be needed in future capital budgets (2015
38 budget) to support construction in order to complete work within the time frame of the
39 grant; now therefore
40

41 BE IT RESOLVED, that the Director of the Department of Transportation is
42 hereby authorized to execute a SMA with the WisDOT under the Freight Grant program
43 to resurface the project WH02015, E. Layton Ave. from S. Howell Ave. to S.
44 Pennsylvania Ave. on an 80/20 basis up to a federal maximum amount of \$2,780,000
45 and an estimated county share of \$745,000.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: November 21, 2013

Original Fiscal Note ☒ X

Substitute Fiscal Note ☐

SUBJECT: A State Municipal Agreement between Milwaukee County and the State of Wisconsin Department of Transportation for the resurfacing of Project WH01016 East Layton Avenue between South Howell Avenue and South Pennsylvania Avenue

FISCAL EFFECT:

- | | |
|--|--|
| <input type="checkbox"/> No Direct County Fiscal Impact

<input type="checkbox"/> Existing Staff Time Required

<input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below)

<input type="checkbox"/> Absorbed Within Agency's Budget

<input type="checkbox"/> Not Absorbed Within Agency's Budget

<input type="checkbox"/> Decrease Operating Expenditures

<input type="checkbox"/> Increase Operating Revenues

<input type="checkbox"/> Decrease Operating Revenues | <input checked="" type="checkbox"/> Increase Capital Expenditures

<input type="checkbox"/> Decrease Capital Expenditures

<input checked="" type="checkbox"/> Increase Capital Revenues

<input type="checkbox"/> Decrease Capital Revenues

<input type="checkbox"/> Use of contingent funds |
|--|--|

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure		
	Revenue		
	Net Cost		
Capital Improvement Budget	Expenditure	375,000	3,150,000
	Revenue	375,000	3,150,000
	Net Cost	0	0

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

- A. Authorizes the Director of DOT to execute a State Municipal Agreement (SMA) for a Freight Grant with the State of Wisconsin Department of Transportation to resurface E. Layton Ave. from S. Howell Ave. to S. Pennsylvania Ave. In addition to authorizing execution of the SMA for this project, this request would also authorize the funding for the design portion of this project in 2013.
- B. The design portion of this project is estimated to cost \$375,000 of which \$300,000 of federal revenue is available to offset the cost with the remaining \$75,000 to be provided by Milwaukee County.
- C. The \$375,000 is expected to result in a \$0 budgetary impact as there are surplus funds available in the existing capital improvement project for WH02005 Oklahoma from 108th to 76th to cover the county's portion of the design costs.
- D. By approving the overall SMA for this project, Milwaukee County commits to fund it's portion of costs for right of way and construction phases of this capital improvement project in future budgets in a timely fashion. These future year capital project costs are estimated at \$3,150,000 of which an estimated \$2,520,000 of federal revenue is available to offset the cost with the remaining \$630,000 to be provided by Milwaukee County.

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

² Community Business Development Partners' review is required on all professional service and public work construction contracts.


Department/Prepared By MCDOT Clark Wantoch, Director of Highway Operations

Authorized Signature _____

Did DAS-Fiscal Staff Review? Yes ☒ No

Did CBDP Review?² Yes ☐ No ☒ Not Required

STP-Freight Pilot Program (206) Standard SMA Template

	STATE / MUNICIPAL AGREEMENT FOR A STATE-LET STP-FREIGHT PILOT PROGRAM PROJECT	Revised Date:
	Program Name: STP-Freight Pilot Population Group: over 200,000 Sub-program #: 206	Date: October 3, 2013 I.D.: 2070-10-00/2070 Road Name: E Layton Ave Limits: STH 38 to Pennsylvania Ave County: Milwaukee Roadway Length: 1.53 Functional Classification: Principal Arterial Project Sponsor: Milwaukee County Urbanized Area Milwaukee

The signatory, Milwaukee County, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Sections 86.25(1), (2), and (3) and Section 66.0301 of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

All components of the project must be defined in the environmental document if any portion of the project is federally funded. The Municipality agrees to complete all participating and any non-participating work included in this improvement consistent with the environmental document. No work on final engineering and design may occur prior to approval of the environmental document.

Existing Facility - Describe and give reason for request: Roadway is urban, divided and has a pavement type of concrete. The pavement was last improved in 1987 and has a current pavement rating of 4. There is partial existing sidewalk and no bike accommodations.

Proposed Improvement - Nature of work: Pavement reconditioning. Bike and pedestrian accommodations will be implemented consistent with Trans 75 requirements.

Describe non-participating work included in the project and other work necessary to completely finish the project that will be undertaken independently by the Municipality. Please note that non-participating components of a project/contract are considered part of the overall project and will be subject to applicable Federal requirements: **Aesthetics and other elements as determined by design.**

The Municipality agrees to the following 2014-2015 STP-Freight Pilot project funding conditions:

Project design, real estate, and construction costs are funded with 80% federal funding up to a maximum of \$2,780,000 for all federally-funded project phases when the municipality agrees to provide the remaining 20% and all funds in excess of the \$2,780,000 federal funding maximum. Non-participating costs are 100% the responsibility of the municipality. Any work performed by the Municipality prior to federal authorization is not eligible for federal funding. The Municipality will be notified by the State that the project is authorized and available for charging.

This project is currently scheduled in State Fiscal Year 2015. **In accordance with the 2014-2015 STP-Freight Pilot Program guidelines, the subject improvement must be let no later than June 30, 2015.**

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The dollar amounts shown in the Summary Funding Table below are federal maximum amounts unless explicitly identified otherwise. The final Municipal share is dependent on the final Federal participation, and actual costs will be used in the final division of cost for billing and reimbursement.

PHASE	SUMMARY OF COSTS				
	Total Est. Cost	Federal Funds	%	Municipal Funds	%
ID 2070-10-00					
Design	\$280,000	\$224,000	80%	\$56,000	20% + BAL
State Review for Design	\$95,000	\$76,000	80%	\$19,000	20% + BAL
ID 2070-10-20					
Real Estate	\$45,000	\$36,000	80%	\$9,000	20% + BAL
State Review for Real Estate	\$5,000	\$4,000	80%	\$1,000	20% + BAL
ID 2070-10-70					
Participating Construction	\$2,750,000	\$2,200,000	80%	\$550,000	20% + BAL
Non-Participating Construction	\$50,000	\$0	0%	\$50,000	100%
State Review for Construction	\$300,000	\$240,000	80%	\$60,000	20% + BAL
Total Est. Cost Distribution	\$3,525,000	\$2,780,000	%VARIES*	\$745,000	%VARIES*

*The percentage of project costs covered by federal funding at approval, 80%, is based on the STP-Freight Pilot Program guidelines. Due to the federal funding cap, which is \$2,780,000 for all federally-funded project phases, the overall improvement funding percentages may vary over the life of the project.

This request is subject to the terms and conditions that follow (pages 3 – 7) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

Signed for and in behalf of Milwaukee County: (please sign in blue ink.)

Name	Title	Date
------	-------	------

Signed for and in behalf of the State:

Name	Title	Date
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GENERAL TERMS AND CONDITIONS:

- All projects must be in an approved Transportation Improvement Program (TIP) or State Transportation Improvement Program (STIP) prior to requesting authorization.
- Work prior to federal authorization is ineligible for federal funding.
- The Municipality, throughout the entire project, commits to comply with and promote all applicable federal and state laws and regulations that include, but are not limited to, the following:
 - Environmental requirements, including but not limited to those set forth in the 23 U.S.C. 139 and National Environmental Policy Act (42 U.S.C. 4321 et seq.)

STP-Freight Pilot Program (206) Standard SMA Template

- b. Equal protection guaranteed under the U.S. Constitution, WI Constitution, Title VI of the Civil Rights Act and Wis. Stat. 16.765. The municipality agrees to comply with and promote applicable Federal and State laws, Executive Orders, regulations, and implementing requirements intended to provide for the fair and equitable treatment of individuals and the fair and equitable delivery of services to the public. In addition the Municipality agrees not to engage in any illegal discrimination in violation of applicable Federal or State laws and regulations. This includes but is not limited to Title VI of the Civil Rights Act of 1964 which provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The Municipality agrees that public funds, which are collected in a nondiscriminatory manner, should not be used in ways that subsidize, promote, or perpetuate illegal discrimination based on prohibited factors such as race, color, national origin, sex, age, physical or mental disability, sexual orientation, or retaliation.
- c. Prevailing wage requirements, including but not limited to 23 U.S.C 113 and Wis. Stat. 103.50.
- d. Buy America Provision and its equivalent state statutes, set forth in 23 U.S.C. 313 and Wis. Stat. 16.754.
- e. Competitive bidding requirements set forth in 23 U.S.C 112 and Wis. Stat. 84.06.
- f. All DBE requirements that the State specifies.
- g. Federal Statutes that govern the Surface Transportation Program, including but not limited to 23 U.S.C. 133.
- h. General requirements for administering federal and state aid set forth in Wis. Stat. 84.03.

STATE RESPONSIBILITIES AND REQUIREMENTS:

- 4. Funding of each project phase is subject to inclusion in Wisconsin's approved 2014-2015 STP-Freight Pilot Program. Federal funding will be limited to participation in the costs of the following items, as applicable to the project:
 - a. The grading, base, pavement, and curb and gutter, sidewalk, and replacement of disturbed driveways in kind.
 - b. The substructure, superstructure, grading, base, pavement, and other related bridge and approach items.
 - c. Storm sewer mains necessary for the surface water drainage.
 - d. Catch basins and inlets for surface water drainage of the improvement, with connections to the storm sewer main.
 - e. Construction engineering incident to inspection and supervision of actual construction work (except for inspection, staking, and testing of sanitary sewer and water main).
 - f. Signing and pavement marking.
 - g. Real estate for the improvement.
 - h. New installations or alteration of street lighting and traffic signals or devices.
 - i. Landscaping.
 - j. Preliminary Engineering and design.
 - k. Management Consultant and State Review Services.
 - l. Other eligible roadway items.

STP-Freight Pilot Program (206) Standard SMA Template

m. Other eligible items.

5. The work will be administered by the State and may include items not eligible for Federal participation.
6. As the work progresses, the State will bill the Municipality for work completed which is not chargeable to Federal funds. Upon completion of the project, a final audit will be made to determine the final division of costs. If reviews or audits show any of the work to be ineligible for Federal funding, the Municipality will be responsible for any withdrawn costs associated with the ineligible work.

MUNICIPAL RESPONSIBILITIES AND REQUIREMENTS:

7. Work necessary to complete the 2014-2015 STP-Freight Pilot Program project to be financed entirely by the Municipality or other utility or facility owner includes the items listed below.
 - a. New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - b. Damages to abutting property after project completion due to change in street or sidewalk widths, grades or drainage.
 - c. Detour routes and haul roads. The municipality is responsible for determining the detour route.
 - d. Conditioning, if required and maintenance of detour routes.
 - e. Repair of damages to roads or streets caused by reason of their use in hauling materials incident to the improvement.
 - f. All work related to underground storage tanks and contaminated soils.
 - g. Street and bridge width in excess of standards, in accordance with the current WisDOT Facilities Development Manual (FDM).
 - h. Other 100% Municipally funded items.
8. The construction of the subject improvement will be in accordance with the appropriate standards unless an exception to standards is granted by WisDOT prior to construction. The entire cost of the construction project, not constructed to standards, will be the responsibility of the Municipality unless such exception is granted.
9. Work to be performed by the Municipality without Federal funding participation necessary to ensure a complete improvement acceptable to the Federal Highway Administration and/or the State may be done in a manner at the election of the Municipality but must be coordinated with all other work undertaken during construction.
10. The Municipality is responsible for financing administrative expenses related to Municipal project responsibilities.
11. The Municipality will include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national origin.
12. The Municipality will pay to the State all costs incurred by the State in connection with the improvement that exceed Federal financing commitments or are ineligible for Federal financing. In order to guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality.

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13. In accordance with the 2014-2015 STP-Freight Pilot Program guidelines, the subject improvement must be let no later than June 30, 2015.
14. If the Municipality should withdraw the project, it will reimburse the State for any costs incurred by the State on behalf of the project.
15. The Municipality will at its own cost and expense:
 - a. Maintain all portions of the project that lie within its jurisdiction [to include, but not limited to, cleaning storm sewers, removing debris from sumps or inlets, and regular maintenance of the catch basins, curb and gutter, sidewalks and parking lanes (including snow and ice removal)] for such maintenance through statutory requirements in a manner satisfactory to the State, and will make ample provision for such maintenance each year.
 - b. Regulate (or prohibit) parking at all times in the vicinity of the proposed improvements during their construction.
 - c. Regulate (or prohibit) all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
 - d. Assume general responsibility for all public information and public relations for the project and to make fitting announcement to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.
 - e. Provide complete plans, specifications, and estimates.
 - f. Provide relocation orders and real estate plats.
 - g. Use the *WisDOT Utility Accommodation Policy* unless it adopts a policy, which has equal or more restrictive controls.
 - h. Provide maintenance and energy for lighting.
 - i. Provide proper care and maintenance of all landscaping elements of the project including replacement of any plant materials damaged by disease, drought, vandalism or other cause.
16. It is further agreed by the Municipality that:
 - a. The Municipality assumes full responsibility for the design, installation, testing and operation of any sanitary sewer and water main infrastructure within the improvement project and relieves the state and all of its employees from liability for all suits, actions, or claims resulting from the sanitary sewer and water main construction under this agreement.
 - b. The Municipality assumes full responsibility for the plans and special provisions provided by their designer or anyone hired, contracted or otherwise engaged by the Municipality. The Municipality is responsible for any expense or cost resulting from any error or omission in such plans or special provisions. The Municipality will reimburse WisDOT if WisDOT incurs any cost or expense in order to correct or otherwise remedy such error or omission or consequences of such error or omission.
 - c. The Municipality will be 100% responsible for all costs associated with utility issues involving the Contractor, including costs related to utility delays.
 - d. All signs and traffic control devices and other protective structures erected on or in connection with the project including such of these as are installed at the sole cost and expense of the Municipality or by others, will be in conformity with such "Manual of Uniform Traffic Control Devices" as may be adopted by the American Association of State Highway and Transportation Officials, approved by the State, and concurred in by the Federal Highway Administration.
 - e. The right-of-way available or provided for the project will be held and maintained inviolate for public highway or street purposes. Those signs prohibited under Federal aid highway regulations, posters,

STP-Freight Pilot Program (206) Standard SMA Template

billboards, roadside stands, or other private installations prohibited by Federal or State highway regulations will not be permitted within the right-of-way limits of the project. The municipality, within its jurisdictional limits, will remove or cause to be removed from the right-of-way of the project all private installations of whatever nature which may be or cause an obstruction or interfere with the free flow of traffic, or which may be or cause a hazard to traffic, or which impair the usefulness of the project and all other encroachments which may be required to be removed by the State at its own election or at the request of the Federal Highway Administration, and that no such installations will be permitted to be erected or maintained in the future.

LEGAL RELATIONSHIPS:

17. The State shall not be liable to the Municipality for damages or delays resulting from work by third parties. The State also shall be exempt from liability to the Municipality for damages or delays resulting from injunctions or other restraining orders obtained by third parties.
18. The State will not be liable to any third party for injuries or damages resulting from work under or for the Project. The Municipality and the Municipality's surety shall indemnify and save harmless the State, its officers and employees, from all suits, actions or claims of any character brought because of any injuries or damages received or sustained by any person, persons or property on account of the operations of the Municipality and its sureties; or on account of or in consequence of any neglect in safeguarding the work; or because of any act or omission, neglect or misconduct of the Municipality or its sureties; or because of any claims or amounts recovered for any infringement by the Municipality and its sureties of patent, trademark or copyright; or from any claims or amounts arising or recovered under the Worker's Compensation Act, relating to the employees of the Municipality and its sureties; or any other law, ordinance, order or decree relating to the Municipality's operations.
19. Contract Modification: This State/Municipal Agreement can only be modified by written instruments duly executed by both parties. No term or provision of neither this State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally.
20. Binding Effects: All terms of this State/Municipal Agreement shall be binding upon and inure to the benefits of the legal representatives, successors and executors. No rights under this State/Municipal Agreement may be transferred to a third party. This State/Municipal Agreement creates no third-party enforcement rights.
21. Choice of Law and Forum: This State/Municipal Agreement shall be interpreted and enforced in accordance with the laws of the State of Wisconsin. The Parties hereby expressly agree that the terms contained herein and in any deed executed pursuant to this State/Municipal Agreement are enforceable by an action in the Circuit Court of Dane County, Wisconsin.

PROJECT FUNDING CONDITIONS

22. The Municipality agrees to the following 2014-2015 STP-Urban Freight Pilot project funding conditions:
 - a. ID 2070-10-00: Design is funded with 80% federal funding, when the municipality agrees to provide the remaining 20%. This portion of the project is subject to the cumulative project federal funding cap (see sub-item d) This phase includes Plan Development, Management Consultant Review, and State Review. The work includes project review, approval of required reports and documents and processing the final PS&E document for award of the contract. Costs for this phase include an estimated amount for state review activities, to be funded 80% with federal funding and 20% by the Municipality.
 - b. ID 2070-10-20: Real Estate is funded with 80% federal funding when the municipality agrees to provide the remaining 20%. This portion of the project is subject to the cumulative project federal funding cap (see sub-item d). Real estate acquisition is 100% the responsibility of the municipality.
 - c. ID 2070-10-70: Construction:
 - i. Costs for roadway reconditioning and associated items are funded with 80% federal funding when the municipality agrees to provide the remaining 20%. This portion of the project is subject to the cumulative project federal funding cap (see sub-item d).

STP-Freight Pilot Program (206) Standard SMA Template

- ii. Non-participating Costs are funded 100% by the Municipality. Costs include construction delivery.
- iii. Costs for this phase include an estimated amount for state review activities, to be funded 80% with federal funding and 20% by the Municipality. This portion of the project is subject to the cumulative project federal funding cap (see sub-item d).
- d. Project Cap: In accordance with STP-Freight Pilot Program guidelines for projects in urbanized areas, State action and TIP Committee action, this project has a federal funding cap of **\$2,780,000**. This federal funding cap applies to all federally funded project phases.

[End of Document]

COUNTY OF MILWAUKEE
INTER-OFFICE COMMUNICATION

DATE: November 5, 2013

TO: Michael Mayo, Sr., Chairperson, Transportation, and Public Works & Transit Committee

FROM: Brian Dranzik, Director, Department of Transportation

SUBJECT: Milwaukee County Administration of the Federal Transit Administration Section 5310 Program within the Milwaukee Urbanized Area

POLICY

This report is for informational purposes only.

BACKGROUND

Section 5310 and Section 5317 Program Changes

The federal transportation bill, Moving Ahead Progress for the 21st Century Act (commonly referred to as MAP-21) was enacted July 6, 2012. MAP-21 provides funding for surface transportation programs for the 2013 and 2014 federal fiscal years (effective October 1, 2012 through September 30, 2014).

MAP-21 made substantial changes to the Section 5310 Transportation for Elderly Persons and Persons with Disabilities program combining it with the Section 5317 New Freedom Program. The revised Section 5310 Program was renamed as the Enhanced Mobility of Seniors and Individuals with Disabilities Program.

Changes to the Section 5310 Program under MAP-21 require the designation of at least one recipient ("designated recipient") in the Milwaukee urbanized area (defined for this purpose as Milwaukee, Ozaukee, Washington, and Waukesha counties) to receive these federal funds and to determine a method of allocating funds within that urbanized area. Staff from the Milwaukee urbanized area counties met multiple times with both the Southeastern Wisconsin Regional Planning Commission (SEWRPC) and the Wisconsin Department of Transportation (WisDOT) to discuss potential alternatives for the selection of one or more designated recipients and possible allocation methods to be utilized in providing the revised federal Section 5310 Program funds to transit operators, including private non-profit agencies and public entities.

Prior to MAP-21, the Wisconsin Department of Transportation (WisDOT) managed the Section 5310 Program in Wisconsin for the Federal Transit Administration (FTA), conducting the project solicitation and grant administration activities for the Section 5310 grants that were awarded throughout Wisconsin. With the passage of MAP-21, WisDOT has elected to continue to manage the Section 5310 Program funds for only the rural and small (50,000 to 200,000 persons) urbanized areas of the State.

Given that Milwaukee County Transit System and other private non-profit organizations within Milwaukee County have historically received the majority of the funds distributed within the Milwaukee urbanized area, SEWRPC recommends that Milwaukee County serve as the sole "designated recipient" for the Section 5310 Program funds allocated each year to the Milwaukee urbanized area counties. The

other counties in the Milwaukee urbanized area expressed significant concern that for the amount of funding they each receive from the Section 5310 Program that complying with the oversight and monitoring regulations imposed by the FTA would exceed the benefits of accepting these federal funds were they each to be forced to function as an individual “designated recipient”. In the event that Milwaukee County would be unwilling to serve as the designated recipient for the entire Milwaukee urbanized area, the other counties involved would likely have to forego participation in the revised Section 5310 Program due to compliance concerns previously mentioned, which would directly translate into a significantly negative impact upon the elderly and disabled population relying on public transportation.

In recognition of the substantial shift of administrative responsibility to Milwaukee County as the recommended sole “designated recipient”, WisDOT has agreed to assist the Milwaukee County Department of Transportation in its initial efforts to oversee the Section 5310 program for the urbanized area. Federal program funds of 10 percent of the available allocation will be provided on a reimbursement basis to support the Milwaukee County time spent toward this purpose using existing staff. This federal funding could also be used by Milwaukee County should a consultant be necessary to oversee specialized aspects of the Section 5310 program.

Through Milwaukee County as “designated recipient”, SEWRPC will facilitate the competitive process for private non-profits and public entities across the four counties to apply for the available funds. The Milwaukee County Department of Transportation Director’s Office will then manage the program on an ongoing basis after projects are selected. Managing the Section 5310 Program includes designing and circulating the application, executing contracts with the winning grant recipients, and conducting ongoing oversight of the assets purchased with the 5310 funds. Oversight requires one field visit every three years for each capital grant recipient, maintenance reviews of the vehicles and equipment purchased with these funds, and management of semi-annual and annual reports that include information on the mileage and ridership on each vehicle to the FTA.

Revised Section 5310 Program Funding

The FTA published the full allocation of federal fiscal year 2013 revised Section 5310 Program funds to the Milwaukee urbanized area in the Federal Register on May 13, 2013 (Vol. 78, No. 92) in the amount of \$1,187,949. The portion of this funding that could be received by Milwaukee County recipients will ultimately be determined by the competitive Section 5310 Program application process that will be facilitated by SEWRPC in light of WisDOT’s discontinuation to serve in this capacity for large urbanized areas. Historically, Milwaukee County has received approximately 70 percent of the program funding.

Of the overall urbanized area funds available, at least 55 percent must be spent on traditional capital improvement projects for private non-profit organizations (including vehicles and related equipment used to transport seniors and persons with disabilities) as was the case under the previous Section 5310 Program. Up to 45 percent of the funds may be used for projects formerly funded through the old 5317 New Freedom Program (including mobility management, travel training to instruct persons with disabilities on using fixed route bus services, and capital improvements to remove barriers at bus stops for persons with disabilities). Eligible capital projects are funded on an 80 percent federal and 20 percent local matching funds basis and operating projects on a 50 percent federal and 50 percent local matching funds basis.

RECOMMENDATION

It is recommended Milwaukee County function as the sole “designated recipient” for the Milwaukee urbanized area under the revised federal transit Section 5310 Program. The Milwaukee urbanized area for this purpose is defined to include Milwaukee, Ozaukee, Washington, and Waukesha counties. This action is consistent with the recommendation from the Southeastern Wisconsin Regional Planning Commission, which is based upon the State of Wisconsin Department of Transportation’s decision to no longer serve as the revised Section 5310 Program administrator for large urbanized areas within the State.

This report is provided for informational purposes unless otherwise directed.

Prepared by: James H. Martin, Director of Operations, MCDOT

Approved by:

Brian Dranzik, Director
Department of Transportation

cc: Chris Abele, County Executive
Amber Moreen, Chief of Staff, Office of the County Executive
Scott Manske, Comptroller
Don Natzke, Director, Dept. of Administrative Svcs. – Office for Persons with Disabilities
Stephanie Stein, Director, Department on Aging
Maria Ledger, Director, Department of Family Care

MILWAUKEE COUNTY

INTER-OFFICE COMMUNICATION

DATE: November 21, 2013

TO: Supervisor Michael Mayo, Sr., Chairperson, Transportation, Public Works and Transit Committee

FROM: Brian Dranzik, Director, Department of Transportation

SUBJECT: INFORMATIONAL REPORT: Summary of a Fund Transfer for Consideration at the December 2013 Meeting of the Committee on Finance, Personnel and Audit

<u>Description:</u>	<u>Amount:</u>
DOT – Transportation Services (Highways Capital)	\$375,000

The Director of the Milwaukee County Department of Transportation (MCDOT) is requesting an appropriation transfer to create a new capital improvement project. The county funding is offset by a decrease in another capital improvement project that is completed.

E. Layton Avenue (S. Howell Ave. to S. Pennsylvania Ave.).

- WH02016 E. Layton Avenue - Howell to Pennsylvania
Budget for design work needed for resurfacing E. Layton Ave. under a State of Wisconsin Freight Grant project. A corresponding decrease will occur in the budget for WH02005 W. Oklahoma Avenue - 108th St to 76th St. which is completed. There is no tax levy impact from this transfer.

APPROPRIATION TRANSFER REQUEST										FISCAL YEAR 2013		DEPT. NO. 1200		INSTRUCTIONS: REFER TO MILW. COUNTY ADMINISTRATIVE MANUAL SECTION 4.05 FOR INSTRUCTIONS ON PREPARING THIS FORM.	
MILWAUKEE COUNTY DEPARTMENT OF TRANSPORTATION															
Were Appropriations Requested Below Denied For The Current Budget?										Yes		No			
ACCOUNT DISTRIBUTION															
Line No.	Fund	Agency	Org. Unit	Revenue / Object	Activity	Project	OBJECT CODE DESCRIPTION			Transfer Request	DOA				
32	1200	120	1200	6146		WH020181	E. Layton Ave. (S. Howell to S. Pennsylvania)			\$ 325,000.00					
33	1200	120	1200	9706		WH020181	E. Layton Ave. (S. Howell to S. Pennsylvania)			\$ 50,000.00					
34															
35															
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42															
43															
44															
45															
46															
47															
48															
TO TOTALS (Credit)										\$ 375,000.00	\$				
FROM (Debit)	32	1200	120	1200	2899	WH020181	E. Layton Ave. (S. Howell to S. Pennsylvania)			\$ 300,000.00					
	33	1200	120	1200	6146	WH020052	W. Oklahoma (108th to 76th)			\$ 75,000.00					
	34														
	35														
	36														
	37														
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	48														
TOTOTALS (DEBIT)										\$ 375,000.00	\$				

An appropriation transfer of \$375,000 is requested by the Director of the Department of Transportation (MCDOT) to increase expenditure authority and revenue for Project WH02016 E. Layton Avenue (S. Howell Ave. to S. Pennsylvania Ave.). Financing is being provided from a freight grant from the Wisconsin Department of Transportation (WisDOT) and the local share is being provided from surplus expenditure authority in Project WH02005 W. Oklahoma Avenue (108th St to 76th St.).

The WisDOT has initiated a pilot Freight Grant under the Surface Transportation Program (STP). The conditions of the grant are to fund roadway improvements that help move freight. The MCDOT - reviewed the terms of the grant conditions and determined project WH02016 E. Layton Ave. from S. Howell Ave. to S. Pennsylvania Ave. would be eligible under the Freight Grant program. In general, resurfacing this segment will help improve the road quality allowing for the more effective movement of freight from/to the Port, the Airport and the Interstate system.

The WisDOT has offered a State Municipal Agreement (SMA) to resurface the roadway under the grant program on an 80/20 split of funding basis up to a federal maximum limit of \$2,780,000 and a county match of \$745,000.

A separate resolution has been submitted to the Transportation and Public Works Committee for the December cycle to recommend approval of the acceptance of the grant. Project funding will be needed in future capital budgets (2015 budget) to support construction in order to complete work within the time frame of the grant.

This appropriation transfer will provide \$375,000 of expenditure authority in order complete the design phase of the project. Financing will be provided by \$300,000 in Freight Grant funding and \$75,000 will be provided from surplus expenditure authority in Project WH02005 W. Oklahoma Ave. (108th St. to 76th St.). It is estimated that the project will be let for construction in early 2015.

There is no tax levy impact from this transfer.

Clark A. Wentoch
Clark Wentoch

TYPE OF TRANSFER		TRANSFER NO.	
AP	EB	178	
IF ADDITIONAL SPACE IS REQUIRED, PLEASE ATTACH ADDITIONAL PAGES.			
DATE OF REQUEST	SIGNATURE OF DEPARTMENT HEAD		TITLE
11/21/2013	<i>Clark A. Wentoch</i>		Director, Department of Transportation
A c t i o n	DATE	Dept. of Administration	County Executive
	APPROVE	Finance Committee	County Board
	DISAPPROVE		
	MODIFY		

COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION

DATE: October 23, 2013

TO: Supervisor Marina Dimitrijevic, Chairwoman, County Board of Supervisors
Supervisor Michael Mayo, Sr., Chairman, Transportation, Public Works and Transit Committee

FROM: Brian Dranzik, Director, Department of Transportation

SUBJECT: **AMEND AIRPORT AGREEMENT NO. CN-1455 WITH SPRINT SPECTRUM L.P. AS ASSIGNED TO CONCOURSE COMMUNICATIONS SSP, LLC AT GENERAL MITCHELL INTERNATIONAL AIRPORT**

POLICY

County Board approval is required to amend concession agreements at General Mitchell International Airport (GMIA).

BACKGROUND

On December 16, 2004 Milwaukee County entered into Airport Agreement No. CN-1455 with Sprint Spectrum, L.P. for the installation, operation, management and maintenance of the WI-FI Service Concession in the terminal building at GMIA. On October 5, 2007 the agreement was assigned to Concourse Communications SSP, LLC, a subsidiary of Boingo Wireless, Inc. due to an asset purchase agreement. The agreement was for an initial term of five (5) years beginning on March 1, 2005, and ending on February 28, 2010. The agreement could be renewed for one additional five (5) year term subject to the mutual agreement of both parties.

The WI-FI technology world has greatly expanded in recent years and continues to expand with more airport customers requesting WI-FI services to check email, surf the internet, and download movies. In order to provide a more robust WI-FI service, Concourse offered to invest approximately \$900,000 in system upgrades in exchange for a longer agreement term for Concourse to generate sufficient revenue from WI-FI users to recover its investment.

The County Board of Supervisors, on January 20, 2010 (File No. 07-348(a)(b)), approved Airport staff's request to continue Airport Agreement No. CN-1455 through February 28, 2016 with one additional five-year term through February 28, 2021 with the mutual consent of both parties due to Concessionaire's significant financial investment to upgrade the WI-FI network and install a Distributed Antenna System (DAS) that would improve cell phone communications throughout the Airport.

Due to passenger complaints and demands, many airports across the nation have been converting their WI-FI systems from a user paid system to a limited or unlimited free system. Since establishments like Starbucks and McDonalds offer free WI-FI to its customers, the traveling public is requesting free WI-FI in order to use their WI-FI enabled portable devices in the terminal building. Concourse has been offering a hybrid model in some airports in which the first 20 to 30 minutes are free after the user watches an advertisement. If the user wants to extend WI-FI access beyond the free time, the user

would have to pay a fee. A portion of the lost revenue due to the free time would be recovered from increased advertising revenues. Concourse estimates that by providing 20 minutes of free WI-FI time, the total revenue reduction would be approximately \$60,000 per contract year. Since the Airport receives 50% of the revenues, Airport revenue would be reduced by approximately \$30,000 each per contract year. Airport staff is recommending that the Concourse agreement be amended to provide for 20 minutes of free WI-FI at GMIA.

In order to recover the revenue lost from the 20 minutes free WI-FI, Concourse is requesting an additional three (3) year extension to its agreement from March 1, 2021 through February 28, 2024.

RECOMMENDATIONS

Airport staff recommends that Airport Agreement No. CN-1455 between Milwaukee County and Sprint Spectrum, L.P. as assigned to Concourse Communications SSP, LLC be amended to extend the agreement for one (1) additional three (3) year term, beginning March 1, 2021 and ending February 28, 2024. For this extension, 20 minutes of free WI-FI access will be provided to customers at GMIA.

FISCAL NOTE

Concourse Communications SSP, LLC will continue to pay to Milwaukee County the 50% WI-FI percentage fee contained in Airport Agreement No. CN-1455. The 20 minute free WI-FI offer is estimated to decrease WI-FI revenues approximately \$30,000 per contract year.

Prepared by: Kathy Nelson, Airport Properties Manager

Approved by:

Brian Dranzik, Director,
Department of Transportation

C. Barry Bateman
Airport Director

(ITEM) From the Director, Department of Transportation, requesting authorization to amend Airport Agreement No. CN -1455 between Concourse Communications SSP, LLC at General Mitchell International Airport (GMIA) by recommending the adoption of the following.

A RESOLUTION

WHEREAS, on December 16, 2004 Milwaukee County entered into Airport Agreement No. CN-1455 with Sprint Spectrum, L.P. for the installation, operation, management and maintenance of the WI-FI Service Concession in the terminal building at GMIA; and

WHEREAS, the agreement was for an initial term of five (5) years beginning on March 1, 2005, and ending on February 28, 2010 with one additional five (5) year renewal term subject to the mutual agreement of both parties; and

WHEREAS, on October 5, 2007 the agreement was assigned to Concourse Communications SSP, LLC, a subsidiary of Boingo Wireless, Inc. due to an asset purchase agreement; and

WHEREAS, County Board of Supervisors, on January 20, 2010 (File No. 07-348(a)(b)), approved Airport staff's request to continue Airport Agreement No. CN-1455 through February 28, 2016 with one additional five-year term through February 28, 2021 due to Concessionaire's significant financial investment to upgrade the WI-FI network and install a Distributed Antenna System (DAS) that would improve cell phone communications throughout the Airport; and

WHEREAS, due to numerous, persistent requests from the traveling public for free WI-FI at GMIA Concourse/Boingo has agreed to provide 20 minutes of free WI-FI in exchange for one (1) three (3) year agreement extension through which to have more time for Concourse/Boingo to recover its investment costs; and

WHEREAS, the Transportation, Public Works and Transit Committee, at its meeting on December 4, 2013, recommended approval (vote) that Airport Agreement No. CN-1455 between Milwaukee County and Concourse Communications SSP, LLC be amended to extend the agreement for one (1) additional three (3) year term, beginning March 1, 2021 and ending February 28, 2024, in order to recover the revenue lost from providing 20 minutes free WI-FI to the traveling public, now, therefore,

BE IT RESOLVED, that the Director, Department of Transportation and the County Clerk are hereby authorized to amend Airport Agreement No. CN-1455 between Milwaukee County and Concourse Communications SSP, LLC to extend the agreement for one (1) additional three (3) year term, beginning March 1, 2021 and ending February 28, 2024.

51
52

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MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 10/23/13

Original Fiscal Note ☒

Substitute Fiscal Note ☐

SUBJECT: AMEND AIRPORT AGREEMENT NO. CN-1455 WITH SPRINT SPECTRUM
L.P. AS ASSIGNED TO CONCOURSE COMMUNICATIONS SSP, LLC AT
GENERAL MITCHELL INTERNATIONAL AIRPORT

FISCAL EFFECT:

- ☒ No Direct County Fiscal Impact
- ☐ Existing Staff Time Required
- ☐ Increase Operating Expenditures
(If checked, check one of two boxes below)
- ☐ Absorbed Within Agency's Budget
- ☐ Not Absorbed Within Agency's Budget
- ☐ Decrease Operating Expenditures
- ☐ Increase Operating Revenues
- ☐ Decrease Operating Revenues
- ☐ Increase Capital Expenditures
- ☐ Decrease Capital Expenditures
- ☐ Increase Capital Revenues
- ☐ Decrease Capital Revenues
- ☐ Use of contingent funds

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	0
	Revenue	0	-30,000
	Net Cost	0	-30,000
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

Revenue from WI-FI use is expected to decrease \$30,000 in 2014 and \$30,000 in subsequent fiscal years.

Department/Prepared By Kathy Nelson

Authorized Signature _____

Did DAS-Fiscal Staff Review? ☐ Yes ☒ No

Did CBDP Review?² ☐ Yes ☒ No ☐ Not Required

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

² Community Business Development Partners' review is required on all professional service and public work construction contracts.

**COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION**

DATE: October 30, 2013

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors
Michael Mayo, Sr., Chairman, Transportation, Public Works and Transit Committee

FROM: Brian Dranzik, Director, Department of Transportation

SUBJECT: AIRPORT AIR SERVICE INCENTIVE PROGRAM

POLICY

An Air Service Incentive Program requires County Board approval.

BACKGROUND

Much has changed in the airline industry over the past 10 years. Major airlines have merged and start-up airlines have experienced varying degrees of success during times of change in the nation's economy, all compounded by a sharp rise in the cost of fuel while airfares have remained very competitive. In 2000, 10 airlines controlled 90% of domestic airline passenger capacity, while in 2014, that number may shrink to 4 airlines, should the American and US Airways merger be approved.

During this period, airlines have lost billions of dollars, merged and divested, and overhauled their business plans. The remaining major airlines have retrenched to focus on large hub routes where they can fill their planes for top dollar, while small and medium-sized markets nationwide are experiencing a reduction in flights and cities served.

As a result, a number of airports have initiated air service incentive programs to jumpstart nonstop flights on routes in demand by travelers while mitigating the start-up risk for an airline. Air carrier incentive programs are governed by FAA regulations, which define an incentive as: "any fee reduction, fee waiver, or use of airport revenue for acceptable promotional costs, where the purpose is to encourage an air carrier to increase service at the airport." At one time, incentive programs were used almost exclusively at small airports. However, in the last few years, even large airports have adopted the programs. Incentive programs are in effect at airports such as Pittsburgh; Portland; Las Vegas; St. Louis; Dallas/Fort Worth; Tampa; Sacramento; Cleveland; Columbus; Boston; Detroit; Baltimore; Memphis; Charleston; Tulsa; Sarasota and others.

GMIA staff recommends the initiation of an Air Service Incentive Program to encourage new nonstop service on high-demand routes from Milwaukee while partnering with airlines to assist in covering the startup costs associated with new service. MKE's program would prioritize cities based on travel demand, and would offer a combination of fee waivers for airlines and the expenditure of marketing funds to promote new nonstop service to these cities. The program would be effective January 1, 2014, to

December 31, 2017, after which the airport staff would evaluate its success and recommend whether it should be continued.

Category	Landing Fee Rebate	Space Lease Rebate (holdroom, apron, jetbridge, ticket counter, ATO, BMU)	Int'l Fee Waivers	Required Weekly Departures to Trigger MKE Marketing Funds	MKE Marketing Funds	Term
DOMESTIC/ SELECTED NORTH & CENTRAL AMERICA MARKETS	100% year 1 50% year 2	100% year 1 50% year 2 (if flown by incumbent, applies only to add'l space needed for new city served)	Yes	5	\$75,000 year 1 \$75,000 year 2	24 months
TRANS-ATLANTIC/ TRANS-PACIFIC/ HAWAII/ MEXICO CITY	100% year 1 50% year 2	100% year 1 50% year 2 (if flown by incumbent, applies only to add'l space needed for these int'l flights)	Yes	3	\$125,000 year 1 \$125,000 year 2	24 months

RECOMMENDATION

Airport staff recommends that an Air Service Incentive Program be approved and further recommends that the Airport Director be authorized to enter into air service incentive agreements with airlines.

FISCAL NOTE

An appropriation of \$200,000 has been included in the Airport's 2014 Recommended Budget. Funding for this program will come from the Airport Development Fund. There is no fiscal effect on the tax levy of Milwaukee County.

Prepared by: Patricia Rowe, Marketing & Public Relations Manager

Approved by:

 Brian Dranzik, Director
 Department of Transportation

 C. Barry Bateman
 Airport Director

(ITEM) From Director of Transportation & Public Works, requesting that Milwaukee County approve a four-year Air Service Incentive Program for General Mitchell International Airport, by recommending adoption of the following resolution:

A RESOLUTION

WHEREAS, much has changed in the airline industry over the past 10 years; and

WHEREAS, major airlines have merged and start-up airlines have experienced varying degrees of success during times of change in the nation's economy, all compounded by a sharp rise in the cost of fuel while airfares have remained very competitive; and

WHEREAS, during this period, airlines have lost billions of dollars, merged and divested, and overhauled their business plans; and

WHEREAS, In 2000, 10 airlines controlled 90% of domestic airline passenger capacity, while in 2014, that number may shrink to 4 airlines if American and US Airways merge; and

WHEREAS, the remaining major airlines have retrenched to focus on large hub routes where they can fill their planes for top dollar, while small and medium-sized markets nationwide are experiencing a reduction in flights and cities served; and

WHEREAS, as a result, a number of airports have initiated air service incentive programs to jumpstart nonstop flights on routes in demand by travelers while mitigating the start-up risk for an airline; and

WHEREAS, air carrier incentive programs are governed by FAA regulations, which define an incentive as: "any fee reduction, fee waiver, or use of airport revenue for acceptable promotional costs, where the purpose is to encourage an air carrier to increase service at the airport"; and

WHEREAS, at one time, incentive programs were used almost exclusively at small airports, but in the last few years, even large airports have adopted the programs, and they are now in effect at more than 16 U.S. airports; and

WHEREAS, after due consideration, the Transportation and Public Works Committee concurs with airport staff's recommendation to approve a four-year Air Service Incentive Program to encourage new nonstop service on high-demand routes from Milwaukee while partnering with airlines to assist in covering the startup costs

47 associated with new service, with MKE's program prioritizing cities based on travel
48 demand, and offering a combination of fee waivers for airlines and the expenditure of
49 marketing funds to promote new nonstop service to these cities; now, therefore,

50
51 BE IT RESOLVED, that the Director of Transportation and the Airport Director
52 are hereby authorized to develop and implement an Air Service Incentive Program
53 within the guidelines established by the FAA, and further authorizes the Airport Director
54 to enter into agreements with airlines that wish to use incentive funds to initiate nonstop
55 service as specified in the MKE Air Service Incentive Program. The MKE Air Service
56 Incentive Program will commence January 1, 2014, and remain in effect until December
57 31, 2017, after which the airport staff will evaluate its success and recommend whether
58 it should be continued.

59
60 FISCAL NOTE: An appropriation of \$200,000 has been included in the Airport's 2014
61 Recommended Budget. Funding for this program will come from the Airport
62 Development Fund. There is no fiscal effect on the tax levy of Milwaukee County.

63
64 H:\Private\Clerk Typist\Aa01\TPW&T 13\12 - December 13\RESOLUTION - Airport Air Service Incentive.doc

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 10/30/13

Original Fiscal Note ☒

Substitute Fiscal Note ☐

SUBJECT: AIRPORT AIR SERVICE INCENTIVE PROGRAM

FISCAL EFFECT:

- | | |
|--|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact | <input type="checkbox"/> Increase Capital Expenditures |
| <input type="checkbox"/> Existing Staff Time Required | <input type="checkbox"/> Decrease Capital Expenditures |
| <input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues |
| <input checked="" type="checkbox"/> Absorbed Within Agency's Budget | <input type="checkbox"/> Decrease Capital Revenues |
| <input type="checkbox"/> Not Absorbed Within Agency's Budget | |
| <input type="checkbox"/> Decrease Operating Expenditures | <input type="checkbox"/> Use of contingent funds |
| <input type="checkbox"/> Increase Operating Revenues | |
| <input type="checkbox"/> Decrease Operating Revenues | |

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure		200,000
	Revenue		200,000
	Net Cost		0
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

An appropriation of \$200,000 has been included in the Airport's 2014 Recommended Budget. Funding for this program will come from the Airport Development Fund. There is no fiscal effect on the tax levy of Milwaukee County.

Department/Prepared By Pat Rowe, Airport Public Relations/Marketing Manager

Authorized Signature _____

Did DAS-Fiscal Staff Review? ☐ Yes ☒ No

Did CBDP Review?² ☐ Yes ☐ No ☒ Not Required

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¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

² Community Business Development Partners' review is required on all professional service and public work construction contracts.

**COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION**

DATE: October 30, 2013

TO: Supervisor Marina Dimitrijevic, Chairwoman, County Board of Supervisors
Supervisor Michael Mayo, Sr., Chairman, Transportation, Public Works and Transit Committee

FROM: Brian Dranzik, Director, Department of Transportation

SUBJECT: **AUTHORIZATION TO ACCEPT A GRANT FROM THE FEDERAL DEPARTMENT OF HOMELAND SECURITY – TRANSPORTATION SECURITY ADMINISTRATION, AND TO CREATE A CAPITAL PROJECT WA185 GMIA SECURITY SURVEILLANCE SYSTEM**

POLICY

Acceptance of a special federal grant requires County Board approval.

BACKGROUND

The Milwaukee County Department of Transportation – Airport Division is seeking authorization to accept a grant from the Transportation Security Administration (TSA) for the design and installation of a security surveillance system that will include security cameras, computer hardware, and software. Airport security is an important national effort that requires collaborative efforts by multiple agencies making use of common resources. The TSA is interested in enhancing its airport security operations by increasing at General Mitchell International Airport (GMIA) the usefulness of closed circuit television, detection systems, and other surveillance hardware and storage equipment, as well as associated electrical, cabling, and support facilities. Toward this end the TSA has sponsored a grant program that provides funds to airports to enhance and construct surveillance systems that will increase the capabilities of cooperating security and law enforcement programs. This program provides direct grants to airports that reimburse the costs of the design and construction of the surveillance systems while leaving to airports the cost of maintaining and operating the system. GMIA and Milwaukee County have been awarded a \$10,147,221.04 grant by the TSA for the design and construction of such a surveillance system. Operating and maintenance costs for the system will be paid by airport funds.

RECOMMENDATION

The Milwaukee County Department of Transportation Director respectfully recommends that the Airport Director, with review by the County Corporation Counsel assigned to the Airport, be authorized to request and accept funds associated with the TSA grant application for the design and installation of a security surveillance system at GMIA. The Director also recommends that the Department of Administrative Services be authorized to process a 2014 administrative transfer to create capital project WA185 GMIA Security Surveillance System.

FISCAL NOTE

The security surveillance system is projected to cost \$10,147,221.04, of which the entire cost will be funded by the TSA. Upon final grant approval, an appropriation transfer may be required

to adjust the funding sources and project expense categories. Subsequent operating and maintenance expenses will be funded from airport operating accounts. Acceptance of the requested TSA grant will have no fiscal effect on the tax levy of Milwaukee County.

Prepared by: C. Barry Bateman, Airport Director

Approved by:

Brian Dranzik, Director,
Department of Transportation

C. Barry Bateman
Airport Director

(ITEM) From the Director, Department of Transportation, requesting authorization to accept a grant from the Transportation Security Administration (TSA) for the design and installation of a security surveillance system at General Mitchell International Airport (GMIA) by recommending the adoption of the following.

A RESOLUTION

WHEREAS, the Milwaukee County Department of Transportation – Airport Division is seeking authorization to accept a grant from the Transportation Security Administration (TSA) for the design and installation of a security surveillance system that will include security cameras, computer hardware, and software; and

WHEREAS, airport security is an important national effort that requires collaborative efforts by multiple agencies making use of common resources; and

WHEREAS, the TSA is interested in enhancing its airport security operations by increasing at General Mitchell International Airport (GMIA) the usefulness of closed circuit television, detection systems, and other surveillance hardware and storage equipment, as well as associated electrical, cabling, and support facilities; and

WHEREAS, toward this end the TSA has sponsored a grant program that provides funds to airports to enhance and construct surveillance systems that will increase the capabilities of cooperating security and law enforcement programs; and

WHEREAS, this program provides direct grants to airports that reimburse the costs of the design and construction of the surveillance systems while leaving to airports the cost of maintaining and operating the system; and

WHEREAS, GMIA and Milwaukee County have been awarded a \$10,147,221.04 grant by the TSA for the design and construction of such a surveillance system; and

WHEREAS, operating and maintenance costs for the system will be paid by airport funds; and

WHEREAS, the Transportation, Public Works and Transit Committee, at its meeting on October 23, 2013, recommended approval (vote) that Milwaukee County accept the \$10,147,221.04 grant from the TSA for the design and installation of a security surveillance system at GMIA, now, therefore,

BE IT RESOLVED, that the Airport Director, with review by the County Corporation Counsel assigned to the Airport, be hereby authorized to request

51 and accept the funds associated with the TSA grant application for the design
52 and installation of a security surveillance system at General Mitchell International
53 Airport, and,
54

55 BE IT ALSO RESOLVED, that the Department of Administrative Services
56 be authorized to process a 2014 administrative transfer to create capital project
57 WA185 GMIA Security Surveillance System.
58

59 H:\Private\Clerk Typist\Aa01\TPW&T 13\12 - December 13\RESOLUTION - TSA Grant Acceptance CCTV.doc

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 10/30/13

Original Fiscal Note ☒

Substitute Fiscal Note ☐

SUBJECT: AUTHORIZATION TO ACCEPT A GRANT FROM THE FEDERAL DEPARTMENT OF HOMELAND SECURITY - TRANSPORTATION SECURITY ADMINISTRATION, AND TO CREATE A CAPITAL PROJECT WA185 GMIA SECURITY SURVEILLANCE SYSTEM

FISCAL EFFECT:

- | | |
|---|---|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact | <input checked="" type="checkbox"/> Increase Capital Expenditures |
| <input type="checkbox"/> Existing Staff Time Required | <input type="checkbox"/> Decrease Capital Expenditures |
| <input checked="" type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below) | <input checked="" type="checkbox"/> Increase Capital Revenues |
| <input checked="" type="checkbox"/> Absorbed Within Agency's Budget | <input type="checkbox"/> Decrease Capital Revenues |
| <input type="checkbox"/> Not Absorbed Within Agency's Budget | |
| <input type="checkbox"/> Decrease Operating Expenditures | <input type="checkbox"/> Use of contingent funds |
| <input type="checkbox"/> Increase Operating Revenues | |
| <input type="checkbox"/> Decrease Operating Revenues | |

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure		
	Revenue		
	Net Cost		
Capital Improvement Budget	Expenditure	10,147,221	
	Revenue	10,147,221	
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

The security surveillance system is projected to cost \$10,147,221.04, of which the entire cost will be funded by the TSA. Upon final grant approval, an appropriation transfer may be required to adjust the funding sources and project expense categories. Acceptance of the requested TSA grant will have no fiscal effect on the tax levy of Milwaukee County.

Department/Prepared By C. Barry Bateman, Airport Director

Authorized Signature _____

Did DAS-Fiscal Staff Review? ☐ Yes ☒ No

Did CBDP Review?² ☐ Yes ☒ No ☐ Not Required

H:\Private\Clerk Typist\Aa01\TPW&T 13\12 - December 13\FISCAL NOTE - TSA Grant Acceptance CCTV.doc

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

² Community Business Development Partners' review is required on all professional service and public work construction contracts.

**COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION**

DATE: October 29, 2013

TO: Supervisor Marina Dimitrijevic, Chairwoman, County Board of Supervisors
Supervisor Michael Mayo, Sr., Chairman, Transportation, Public Works and Transit Committee

FROM: Brian Dranzik, Director, Department of Transportation

SUBJECT: **DESIGNATED AVIATION CHANNELING (DAC) PROFESSIONAL SERVICES AT
GENERAL MITCHELL INTERNATIONAL AIRPORT**

POLICY

County Board approval is required for all professional service contracts.

BACKGROUND

Since February 22, 2002, the Transportation Security Administration (TSA) has mandated that airports utilize a Designated Aviation Channeling (DAC) Service to submit fingerprint and Security Threat Assessment (STA) data to TSA prior to issuing an airport ID badge. The Badging Office at General Mitchell International Airport processes requests for fingerprints and STA's for 4,000 airport badges employees per year.

Since March 1, 2002, there has only been one provider of these services available. General Mitchell International Airport has been in compliance with this requirement since March 2002, utilizing the single approved provider. In 2012, TSA allowed other interested parties to become certified as a DAC. Only two additional companies received this certification. On August 30, 2013 General Mitchell International Airport (GMIA) issued Request For Proposal (RFP) 6850. Responses were due by September 13, 2013. All three providers submitted their responses in the time allocated.

A review panel of three GMIA staff was convened to review and score the responses. The review panel selected Telos Identity Management Solutions, LLC – Telos ID to provide the required services to GMIA for a term of 5 years from February 1, 2014, through January 31, 2019.

RECOMMENDATION

Airport staff recommends that the Board approve the execution of a professional service contract with Telos Identity Management Solutions, LLC – Telos ID, in an amount not to exceed \$80,000 per year or \$400,000 over a five (5) year period beginning February 1, 2014 through January 31, 2019, to provide the TSA required fingerprint and STA data to GMIA.

FISCAL NOTE

The professional service contract with Telos Identity Management Solutions, LLC – Telos ID will be \$80,000 per year; \$400,000 for the five (5) year agreement.

Supervisor Marina Dimitrijevic, Chairwoman, County Board of Supervisors
Supervisor Michael Mayo, Sr., Chairman, TPW&T Committee
October 29, 2013

The expenses noted above are included within the airport's operational budget.
There is no impact to the tax levy of Milwaukee County.

Prepared by: Michael W. Keegan, Airport Public Safety & Security Manager

Approved by:

Brian Dranzik, Director,
Department of Transportation

C. Barry Bateman
Airport Director

(Item) From the Director, Department of Transportation, and the Airport Director, requesting County Board approval of the choice of the review panel by recommending adoption of the following:

RESOLUTION

WHEREAS, since February 22, 2002, the Transportation Security Administration (TSA) has mandated that airports utilize a Designated Aviation Channeling (DAC) Service to submit fingerprint and Security Threat Assessment (STA) data to TSA prior to issuing an airport ID badge; and

WHEREAS, since March 1, 2002, there has only been one provider of these services available. General Mitchell International Airport has been in compliance with this requirement since March 2002, utilizing the single approved provider; and

WHEREAS, in 2012, TSA allowed other interested parties to become certified as a DAC. Only two additional companies received this certification; and

WHEREAS on August 30, 2013, General Mitchell International Airport (GMIA) issued Request for Proposal (RFP) 6850. Responses were due by September 13, 2013; and

WHEREAS, All three providers submitted their responses in the time allocated. A review panel of three GMIA staff was convened to review and score the responses; and

WHEREAS, The review panel selected Telos Identity Management Solutions, LLC – Telos ID to provide the TSA required fingerprint and STA services to GMIA for a term of 5 years from February 1, 2014, through January 31, 2019, now, therefore,

BE IT RESOLVED, that the Director of Transportation and the Airport Director are hereby authorized to approve the execution of a professional service contract with Telos Identity Management Solutions, LLC – Telos ID, in an amount not to exceed \$80,000 per year or \$400,000 over a five (5) year period beginning February 1, 2014 through January 31, 2019, to provide the TSA required fingerprint and STA data to GMIA.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: October 29, 2013

Original Fiscal Note ☒

Substitute Fiscal Note ☐

**SUBJECT: DESIGNATED AVIATION CHANNELING (DAC) PROFESSIONAL SERVICES AT
GENERAL MITCHELL INTERNATIONAL AIRPORT**

FISCAL EFFECT:

- | | |
|--|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact | <input type="checkbox"/> Increase Capital Expenditures |
| <input type="checkbox"/> Existing Staff Time Required | <input type="checkbox"/> Decrease Capital Expenditures |
| <input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues |
| <input checked="" type="checkbox"/> Absorbed within Agency's Budget | <input type="checkbox"/> Decrease Capital Revenues |
| <input type="checkbox"/> Not Absorbed Within Agency's Budget | |
| <input type="checkbox"/> Decrease Operating Expenditures | <input type="checkbox"/> Use of Contingent Funds |
| <input type="checkbox"/> Increase Operating Revenues | |
| <input type="checkbox"/> Decrease Operating Revenues | |

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	\$73,333
	Revenue	0	0
	Net Cost	0	0
Capital Improvement Budget	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

The professional service contract with Telos Identity Management Solutions, LLC – Telos ID will be \$80,000 per year; \$400,000 for the five (5) year agreement.

The expenses noted above are included within the Airport's operational budget.
There is no impact to the tax levy of Milwaukee County.

Department/Prepared by: Michael W. Keegan, Airport Public Safety & Security Manager

Authorized Signature _____

Did DAS-Fiscal Staff Review? ☐ Yes ☒ No

Did CBDP Review?² ☐ Yes ☒ No ☐ Not Required

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

² Community Business Development Partners' review is required on all professional service and public work construction contracts.

**COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION**

DATE: October 28, 2013

TO: Supervisor Marina Dimitrijevic, Chairwoman, County Board of Supervisors
Supervisor Michael Mayo, Sr., Chairman, Transportation, Public Works and Transit Committee

FROM: Brian Dranzik, Director, Department of Transportation

SUBJECT: **AMENDMENT TO AIRPORT AGREEMENT NO. HP-695 BETWEEN MILWAUKEE COUNTY AND MONDELÉZ GLOBAL LLC.**

POLICY

Amendments to airport hangar land agreements require approval by the Milwaukee County Board of Supervisors.

BACKGROUND

Milwaukee County entered into a Lease Agreement dated July 14, 1980 with Philip Morris ("Agreement") known as Airport Agreement No. HP-695 for the lease of 414,000 square feet of land on which to construct, operate, and maintain a corporate aircraft hangar at General Mitchell International Airport ("GMIA"). The Agreement has been amended and assigned several times and now belongs to Mondelēz Global LLC.

Federal Aviation Administration safety mandates required GMIA to bring its runway safety areas into compliance; therefore, it was necessary for Milwaukee County to construct runway safety area improvements which required an eastern portion of Mondelēz's Leased Premises. The runway improvements were constructed and substantially completed by September 1, 2012, leaving a remainder of 281,832 square feet of leasable land for Mondelēz. Mondelēz agreed to the construction of the additional airport improvements and has further agreed to amend the Agreement to reflect a reduction in Leased Premises.

RECOMMENDATION

Airport staff recommends that Airport Agreement No. HP-695 be amended to reflect the reduction of Mondelēz's Leased Premises from 414,000 square feet to 281,832 square feet.

FISCAL NOTE

Airport land rental income will decrease in the amount of \$34,575 per year from \$108,302 for 414,000 sq. ft. to \$73,727 for the new leasehold space of 281,132 sq. ft.

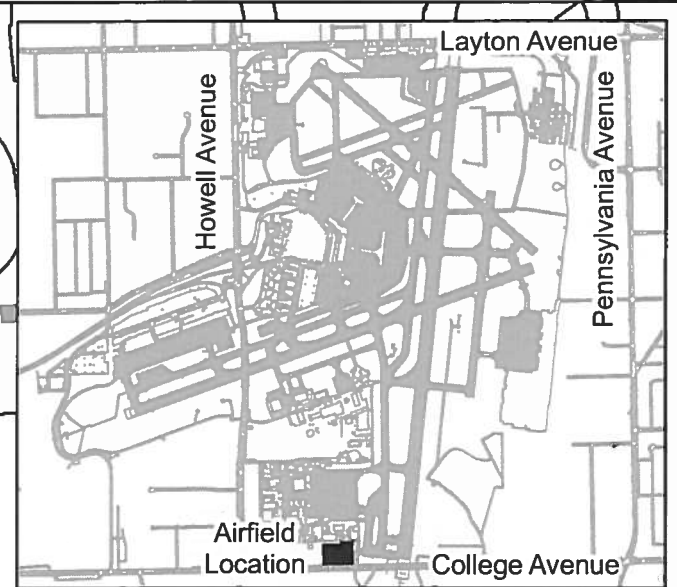
Prepared by: Steven Wright, A.A.E. – Airport Properties Manager

Approved by:

Brian Dranzik, Director,
Department of Transportation

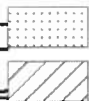
C. Barry Bateman
Airport Director

GENERAL MITCHELL INTERNATIONAL AIRPORT
530 East College Avenue



Mondelez Global LLC
281,832 sf

sf



Leased Area Affected by Runway Safety Areas: 132,168 s.f.

Revised Leased Premises: 281,832 s.f.

MONDELEZ GLOBAL, LLC
Exhibit A
September 1, 2012



(ITEM) From the Director of Transportation & Public Works, requesting that Milwaukee County amend Airport Agreement No. HP-695 between Milwaukee County and Mondelēz Global LLC for the lease of land on which to operate and maintain a corporate aircraft hangar at General Mitchell International Airport, by recommending adoption of the following resolution:

A RESOLUTION

WHEREAS, Milwaukee County entered into a Lease Agreement dated July 14, 1980 with Philip Morris ("Agreement") known as Airport Agreement No. HP-695 for the lease of 414,000 square feet of land on which to construct, operate, and maintain a corporate aircraft hangar at General Mitchell International Airport ("GMIA"); and

WHEREAS, the Agreement has been amended and assigned several times and now belongs to Mondelēz Global LLC; and

WHEREAS, Federal Aviation Administration safety mandates required GMIA to bring its runway safety areas into compliance; therefore, it was necessary for Milwaukee County to construct runway safety area improvements which required an eastern portion of Mondelēz's Leased Premises; and

WHEREAS, the runway improvements were constructed and substantially completed by September 1, 2012, leaving a remainder of 281,832 square feet of leasable land for Mondelēz; and

WHEREAS, Mondelēz agreed to the construction of the additional airport improvements and has further agreed to amend the Agreement to reflect a reduction in Leased Premises; and

WHEREAS, Airport staff recommends that Airport Agreement No. HP-695 be amended to reflect the reduction in Mondelēz's Leased Premises from 414,000 square feet to 281,832 square feet; and

WHEREAS, the Transportation, Public Works and Transit Committee, at its meeting on December 4, 2013, recommended approval (vote) that Milwaukee County amend Airport Agreement No. HP-695 to reflect the reduction in Mondelēz's leased premises from 414,000 square feet to 281,832 square feet, now, therefore,

BE IT RESOLVED, that the Director of Transportation and the Airport Director are hereby authorized to amend Airport Agreement No. HP-695 between Milwaukee County and Mondelēz Global LLC for the lease of certain lands on which to construct, operate, and maintain a corporate aircraft hangar at General Mitchell International Airport to reflect the reduction in leased premises from 414,000 square feet to 281,832 square feet.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 10/28/13

Original Fiscal Note ☒

Substitute Fiscal Note ☐

**SUBJECT: AMENDMENT TO AIRPORT AGREEMENT NO. HP-695 BETWEEN
MILWAUKEE COUNTY AND MONDELÉZ GLOBAL LLC.**

FISCAL EFFECT:

- | | |
|--|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact | <input type="checkbox"/> Increase Capital Expenditures |
| <input type="checkbox"/> Existing Staff Time Required | <input type="checkbox"/> Decrease Capital Expenditures |
| <input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues |
| <input type="checkbox"/> Absorbed Within Agency's Budget | <input type="checkbox"/> Decrease Capital Revenues |
| <input type="checkbox"/> Not Absorbed Within Agency's Budget | |
| <input type="checkbox"/> Decrease Operating Expenditures | <input type="checkbox"/> Use of contingent funds |
| <input type="checkbox"/> Increase Operating Revenues | |
| <input checked="" type="checkbox"/> Decrease Operating Revenues | |

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	-34,575	-34,575
	Revenue	-34,575	-35,575
	Net Cost	0	0
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

Airport land rental income will decrease in the amount of \$34,575 per year, from \$108,302 for 414,000 sq. ft. to \$73,727 for the new leasehold space of 281,132 sq. ft.

Department/Prepared By C. Barry Bateman, Airport Director

Authorized Signature _____

Did DAS-Fiscal Staff Review? ☐ Yes ☒ No

Did CBDP Review?² ☐ Yes ☐ No ☒ Not Required

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

² Community Business Development Partners' review is required on all professional service and public work construction contracts.

**COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION**

DATE: November 6, 2013

TO: Supervisor Marina Dimitrijevic, Chairwoman, County Board of Supervisors
Supervisor Michael Mayo, Sr., Chairman, Transportation, Public Works and Transit Committee

FROM: Brian Dranzik, Director, Department of Transportation

SUBJECT: **INTERGOVERNMENTAL COOPERATIVE AGREEMENT BETWEEN THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT AND THE AIRPORT DIVISION OF MILWAUKEE COUNTY FOR THE BENEFICIAL REUSE OF AIRCRAFT DE-ICING FLUID**

POLICY

Milwaukee County Board approval is required for certain intergovernmental cooperative agreements.

BACKGROUND

During inclement winter weather conditions, departing aircraft serving General Mitchell International Airport are externally treated with a glycol-based de-icing fluid to ensure flight safety. Due to the water pollutant potential of the de-icing fluid migrating into the waterways adjacent to GMIA, the State of Wisconsin Department of Natural Resources mandates GMIA to collect a percentage of all de-icing fluid that is applied during the inclement weather season. The Milwaukee Metropolitan Sewerage District (MMSD) through its South Shore Water Reclamation Facility (South Shore) has excess capacity to process GMIA's collected de-icing fluid while in return generating useful gas which South Shore uses to generate electricity.

Due to the need for GMIA to have a long-term treatment option for collected de-icing fluid along with the gas-to-energy production benefits to the MMSD by processing de-icing fluid, an Intergovernmental Cooperative Agreement between both parties is warranted. This Intergovernmental Cooperative Agreement defines operational procedures such as delivery, concentrations, processes, and details fixed charges the Airport will pay to the MMSD for treatment. The Intergovernmental Cooperative Agreement becomes effective upon the date of signature by the MMSD and the Airport and expires on June 1, 2018.

RECOMMENDATION

The Director, Department of Transportation, recommends entering into an Intergovernmental Cooperative Agreement with the Milwaukee Metro Sewerage District for the beneficial reuse of aircraft de-icing fluid, expiring on June 1, 2018.

FISCAL NOTE

GMIA will pay MMSD approximately \$18,000 per year during the term of this agreement. The funding for this activity is collected from the airlines through a glycol recovery fee.

Supervisor Marina Dimitrijevic, Chairwoman, County Board of Supervisors
Supervisor Michael Mayo, Sr., Chairman, Transportation, Public Works and Transit Co
November 6, 2013
Page 2

Prepared by: Greg Failey, Airport Environmental Manager

Approved by:

Brian Dranzik, Director,
Department of Transportation

C. Barry Bateman
Airport Director

(Item) From the Director, Department of Transportation, and the Airport Director requesting County Board approval to enter into an Intergovernmental Cooperative Agreement between MMSD and the Airport Division of Milwaukee County for the beneficial reuse of aircraft de-icing fluid:

RESOLUTION

WHEREAS, during inclement winter weather conditions, departing aircraft serving General Mitchell International Airport are externally treated with a glycol-based de-icing fluid to ensure flight safety; and

WHEREAS, due to the water pollutant potential of the de-icing fluid migrating into the waterways adjacent to GMIA, the State of Wisconsin Department of Natural Resources mandates GMIA to collect a percentage of all de-icing fluid that is applied during the inclement weather season; and

WHEREAS, the Milwaukee Metropolitan Sewerage District (MMSD) through its South Shore Water Reclamation Facility (South Shore) has excess capacity to process GMIA's collected de-icing fluid while in return generating useful gas which South Shore uses to generate electricity; and

WHEREAS, due to the need for GMIA to have a long-term treatment option for collected de-icing fluid along with the gas-to-energy production benefits to the MMSD by processing de-icing fluid, an Intergovernmental Cooperative Agreement between both parties is warranted; and

WHEREAS, this Intergovernmental Cooperative Agreement defines operational procedures such as delivery, concentrations, processes, and details fixed charges the Airport will pay to the MMSD for treatment; and

WHEREAS, the Intergovernmental Cooperative Agreement becomes effective upon the date of signature by the MMSD and the Airport, and expires on June 1, 2018; now, therefore,

BE IT RESOLVED, that the Director of Transportation and the Airport Director are hereby authorized to enter into an Intergovernmental Cooperative Agreement with the Milwaukee Metropolitan Sewerage District for the beneficial reuse of aircraft de-icing fluid.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 11/6/13

Original Fiscal Note ☒

Substitute Fiscal Note ☐

SUBJECT: INTERGOVERNMENTAL COOPERATIVE AGREEMENT BETWEEN THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT AND THE AIRPORT DIVISION OF MILWAUKEE COUNTY FOR THE BENEFICIAL REUSE OF AIRCRAFT DE-ICING FLUID

FISCAL EFFECT:

- | | |
|--|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact | <input type="checkbox"/> Increase Capital Expenditures |
| <input type="checkbox"/> Existing Staff Time Required | <input type="checkbox"/> Decrease Capital Expenditures |
| <input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues |
| <input checked="" type="checkbox"/> Absorbed within Agency's Budget | <input type="checkbox"/> Decrease Capital Revenues |
| <input type="checkbox"/> Not Absorbed Within Agency's Budget | |
| <input type="checkbox"/> Decrease Operating Expenditures | <input type="checkbox"/> Use of contingent funds |
| <input type="checkbox"/> Increase Operating Revenues | |
| <input type="checkbox"/> Decrease Operating Revenues | |

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	1,481	17,778
	Revenue		
	Net Cost	1,481	17,778
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

GMIA will pay MMSD approximately \$18,000 per year during the term of this agreement. The funding for this activity is collected from the airlines through a glycol recovery fee.

Department/Prepared By C. Barry Bateman, Airport Director

Authorized Signature _____

Did DAS-Fiscal Staff Review? ☐ Yes ☒ No

Did CBDP Review?² ☐ Yes ☐ No ☒ Not Required

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

² Community Business Development Partners' review is required on all professional service and public work construction contracts.

**COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION**

DATE: November 15, 2013

TO: Supervisor Marina Dimitrijevic, Chairwoman, County Board of Supervisors
Supervisor Michael Mayo, Sr., Chairman, Transportation, Public Works and Transit Committee

FROM: Brian Dranzik, Director, Department of Transportation

SUBJECT: **POTENTIAL TRANSPORTATION SECURITY ADMINISTRATION EXIT LANE LITIGATION**

POLICY

Informational Report.

Pursuant to Wisconsin Statutes Section 19.85 (1)(e), the Committee may adjourn into closed session for the purpose of discussing the following matter(s). At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary.

BACKGROUND

This summer the Transportation Security Administration (TSA) announced plans to shift the responsibility and the associated costs for monitoring passenger exit lanes at airports from TSA onto airport operators. Exit lanes are the only form of egress for passengers from the concourses at GMIA to the main lobby. Exit lanes are also used as a point of entry for federal air marshals, law enforcement officers, and TSA personnel. Concessionaires who have operations on the concourses have also used the exit lanes under special authorization and inspection from the TSA.

In the announcement of its plan to airports TSA stated that its assumption of airport exit lane monitoring had been gratuitous and that it was transferring that responsibility to airports because TSA could no longer shoulder the financial responsibility for an activity that belonged to airports. Through their trade organizations airports expressed their disagreement with TSA's proposal. Through Section 114 of the Aviation and Transportation Security Act 2001 (ATSA), Congress designated TSA, not the airport operators, as the party responsible for "day-to-day Federal security screening operations" and "civil aviation security functions and responsibilities." As such, airports generally believe that TSA may not divest its obligations without Congressional approval.

TSA has not and does not intend to seek Congressional permission for its proposal, but rather plans on effectuating the change by amending the security programs of individual airport operators. Airport operator security program requirements are governed by TSA's regulations. Thus, even if Congress, through ATSA, had authorized TSA to shift the responsibilities and costs for monitoring exit lanes onto airport operators, which it did not, the Administrative Procedures Act (APA) precludes TSA from mandating a regulatory change without issuing a notice of proposed rulemaking and conducting an attendant Regulatory Flexibility Act (RFA) analysis. Accordingly, airports have insisted that the TSA follow proper regulatory rulemaking procedures to address the desired modification to its responsibilities.

In late summer Federal Security Directors (FSDs) began issuing final Airport Security Program (ASP) amendments to affected airport operators that require airport operators to assume responsibility for exit lane monitoring by the end of the year. GMIA received such a letter in August. The final ASP amendment becomes effective 30 days after the airport's receipt of the letter and must be implemented no later than January 1, 2014. Airport staff anticipates that it will cost approximately \$375,000 per year to comply with TSA's amendment to the GMIA ASP. Consequently, GMIA filed a motion requesting that the TSA Administrator reconsider its exit lane amendment to GMIA's ASP. We anticipate that this administrative appeal will be denied and that airports nationally will initiate legal action to reverse the TSA's improvident exit lane amendments.

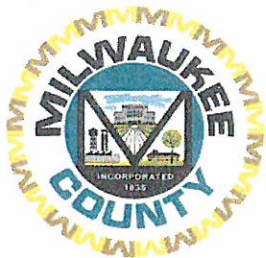
Prepared by: Barry Bateman, Airport Director
Timothy Karaskiewicz, Principal Assistant Corp. Counsel

Approved by:

Brian Dranzik, Director,
Department of Transportation

C. Barry Bateman
Airport Director

Timothy Karaskiewicz
Principal Assistant Corp. Counsel



OFFICE OF CORPORATION COUNSEL


19

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DEWEY B. MARTIN
JAMES M. CARROLL
PAUL D. KUGLITSCH
Principal Assistant
Corporation Counsel

To: Honorable Supervisors of the
Committee on Transportation, Public Works and Transit

From: Paul Bargren 

Date: November 26, 2013

Re: Southridge Mall transit issues

On October 29, 2013, the Committee on Transportation, Public Works and Transit referred an item to this office. The referral asked whether Southridge Shopping Mall is part of a Tax Increment District, of which Milwaukee County is a participant, and if so, whether the developer has received TID resources over the last few years. The referral also asked what legal action can be taken.

Background

Southridge Mall is a substantial development and taxpayer primarily in the Village of Greendale. It is owned by Simon Property Group Inc., a large national property manager. Southridge describes itself as the largest mall in Southeastern Wisconsin.

Effective November 1, 2013, despite complaints from the public and the transit system, Southridge relocated a Milwaukee County Transit System bus stop. The old stop was at a sidewalk that led directly to a mall entrance 429 feet from the bus stop, with an elevation change of 3 feet between the stop and the entrance.¹ The new stop is at a far edge of a mall parking lot, 974 feet from the mall entrance with a total elevation change of 13 feet. *See Fig. A, attached.* In order to reach the sidewalk that leads to the mall, passengers disembarking at the new bus stop must traverse a 239-foot section of the parking lot surface. That portion of the surface has been painted as a walkway. The walkway has a curb on one side but no barrier between the walkway and the traffic lane on the other side. The walkway also crosses an entry road into the parking lot before reaching the sidewalk that leads to the mall entrance. Anecdotally, riders who disembark are inclined to ignore the walkway and take a shortcut across the parking lot to the mall.

Much of Southridge Mall is in the 26-acre Tax Increment District (TID) Number Two, Village of Greendale, which was created in December 2010.² The total cost is \$15.85 million, including \$10 million provided to Simon and \$5 million for interest on the borrowed funds. The project also included \$600,000 for road and utility work and \$250,000 for administration costs. Payback is expected to be 12 to 15 years.

¹ Distances and elevations were analyzed from Milwaukee County GIS data at <http://maps.milwaukeecounty.org>

² The Draft Plan for TID No. 2 is at <http://www.greendale.org/TIF-2/assets/TIF-2-Greendale-PlanDRAFT-1.pdf>. The TID statute in § 66.1105 speaks only of cities, but § 66.1339 grants all those powers to villages as well. TID and "TIF District" tend to get used interchangeably.

Under the TID process, all property taxes on the incremental increase in property value are used to pay back the project cost, at the expense of the other units of government, including the county, who would otherwise be able to levy taxes there. The village has projected the \$15.85 million investment will produce an estimated initial additional taxable property value of \$52,500,000.

Figure B is a general site plan of the mall as of 2010. The bus stop is in the northeast corner. Note that Southridge moved the bus stop from inside the TID in the Village of Greendale to a portion of the mall parking lot in the City of Greenfield, outside the TID (north of the heavy dashed line in Figure B). Figure C shows the TID.

1. Milwaukee County was a participant in the TID Joint Review Board.

Greenfield's TID included a joint review board as provided in § 66.1105(3)(g), Stats. The joint review board included members from Milwaukee County and the other taxing bodies whose property taxes are diverted to the village for the TID. By statute, the county representative is the County Executive or his/her designee, with preference given to "the county treasurer or another person with knowledge of local government finances" as designee. § 66.1105(4m)(ae)2. The joint review board met on November 17 and December 22, 2010, during the Walker administration. It's not clear who represented the County on this joint review board.

The joint review board's only statutory function is to endorse the village's decision to create the TID, by majority vote. There is no continuing review power. That provides no real ability for the county to impose conditions on the operation of a TID. The county's representative could vote against the TID as presented by the sponsoring municipality and attempt to sway other representatives to vote against the TID as well, but in practice this seems very unlikely. To my knowledge there are no cases where this has happened. Sec. 66.1105(4m) mentions that "[a]dditional meetings of the [standing joint review] board shall be held upon the call of any member." Milwaukee County could call a meeting, unless the board has been dissolved, to raise the transit issue in discussion, but there is not any provision for taking action on same.

The county could seek the sponsoring municipality's agreement beforehand for concessions on transit stops, etc., to be included in the TID grant, but whether the municipality would agree or other taxing bodies would join in the request is an open question.

In sum, Milwaukee County can attempt to persuade others involved to provide for benefits such as good transit access as part of a TID, but there is no firm ability to achieve that result through the joint review process.

2. Legal action

A closed session pursuant to § 19.85(g), Stats., to discuss legal strategy would be appropriate.

Figure A

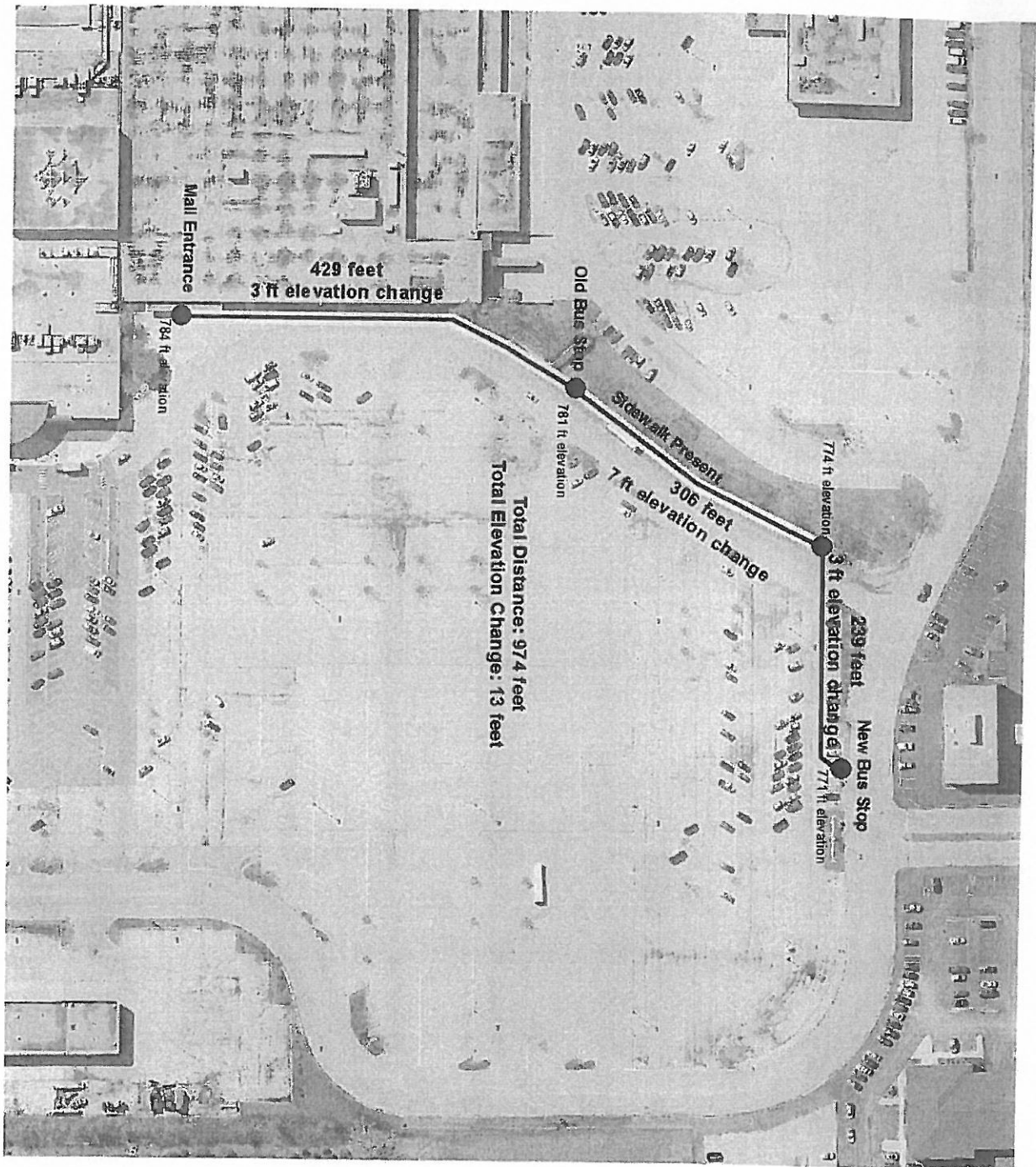


Figure B (2010)

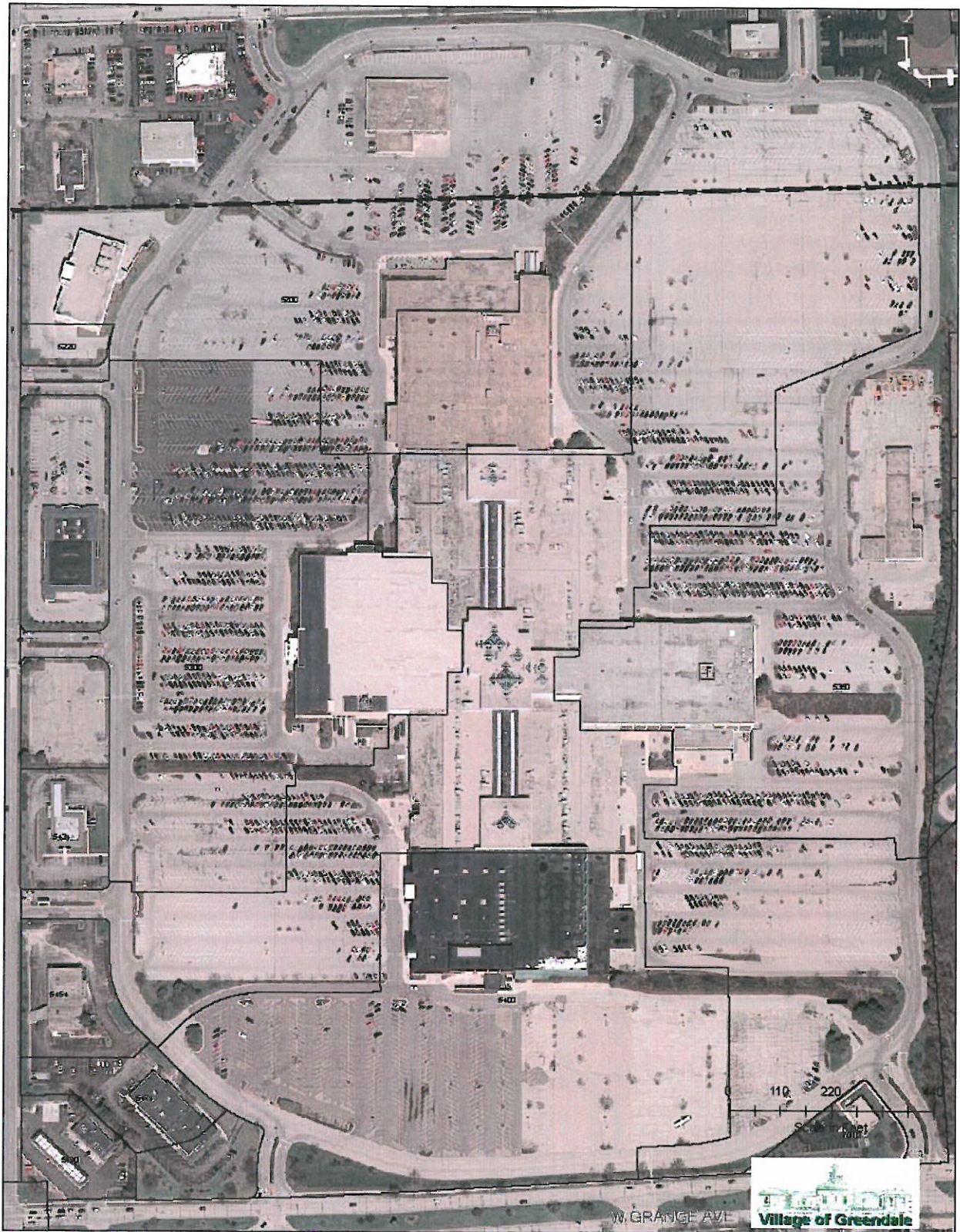


Figure C

